

N O M O - Λ E Ξ I K O N :  
A  
LAW-DICTIONARY,

Interpreting such Difficult and Obscure

**Words and Terms,**

As are found either in

Our *Common* or *Statute*, *Ancient* or *Modern*,

**LAWS.**

W I T H

**REFERENCES**

To the several *Statutes*, *Records*, *Registers*, *Law-Books*, *Charters*, *Ancient Deeds*, and *Manuscripts*,  
Wherein the Words are used :

And *Etymologies*, where they properly Occur.

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The *SECOND EDITION*, with some Corrections,  
and the Addition of above Six Hundred Words.

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Coke on Littl. fol. 68. b.

*Ad rectè decendum oportet primum inquirere Nomina: quia rerum cognitio  
ad nominibus rerum dependet.*

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By THO. BLOUNT late of the *Inner-Temple*, Esq;

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1691.





## The Epistle Dedicatory.

To the Right Honourable

Sir Orlando Bridgman Knight and Baronet, Lord  
Keeper of the Great Seal of *ENGLAND*;

Sir John Kelynge Knight, Lord Chief Justice of His  
MAJESTIES Court of *Kings-Bench*;

And Sir John Vaughan Knight, Lord Chief Justice  
of His MAJESTIES Court of *Common-Pleas*.

MY LORDS,



*AS it is certainly my Bounden Duty to offer, and submit these my Timorous and Bashful Endeavours to Your great Judgments; so it is my Interest to implore the Benignity of Your Auspicious Patronage of them. For the Publishing these Papers, I had Two Motives: The First and Principal, To Erect a small Monument of that vast Respect and Deference, which I have for Your Lordships, who are not only the Oracles of our Law, and Grand Exemplars of Justice; but the Glory and Ornament of that Honorable Society, whereof (however unworthy) I boast my self a Member, and which at present justly claims the Preheminence above the rest, by producing more Persons, Dignified with the Judiciary Scarlet Robe, than the other Three; and filling up, by due Merit, the most eminent Seats of Judicature in the Nation. The other, to gratifie an Ambitious Inclination of my own,*

*Bridgman Lord-Keeper,  
Kelynge Ch. J. K's Bench,  
Vaughan of Common-Pleas,  
Judge Twisden.  
Sir William Wyld,  
Sir William Merlon,  
Judge Tyrrel.  
Baron Littleton.*



## The Epistle Dedicatory.

*of leaving behind me somewhat (how inconsiderable soever) that may, in some measure, excuse me to Posterity, from having been a Truantly and Useless Member of that Learned and Active Body. If Your Honors shall allow me, to have fulfill'd my Duty in the one, and obtained my Design in the other, I have the desired Effect of my Labors: Nor hath my greatest Ambition any thing higher to aim at, than that I may, with Your Lordships's Permission, subscribe my self,*

My Lords,

Inner-Temple,  
20 June,  
1670.

*Your most humble*

*and obedient Servant,*

THO. BLOUNT.

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Preface.

# Preface.

**S**ome will perhaps wonder, why I took so much pains to write this *Book*; and object, we have two good *Ones* of this kind extant; *Cowels Interpreter*, and *Terms of the Law*, nay, haply thrust in *Leighs Philological Commentary*, as a Third: I Answer, Though it is not my Design to raise the Reputation of *this Work*, by disvaluing *Those*, yet it may be allowable modestly to declare *their Defects*, that my Undertaking *This* may not appear unnecessary.

Doctor Cowel was certainly a Learned Man, and his Enterprize very commendable, but his Profession the *Civil Law*; and, that he did not singly intend his *Interpreter* for us, appears by his often expressing what each Word signifies in the *Common-Law*, to distinguish it from the *Civil*; in which Learning, he bestows a considerable part of his Book. He ingenuously says, *His Design is the advancement of Knowledge, and to incite others to finish his Model, and supply his Defects*, which in truth are not a few; for he directly mistakes the Meaning of some Words, and Derivation of others, as *Ordel*, *Mundbruch*, *Wodchalpeny*, *Furlong*, *Abilhering*, &c. He confounds *Realty* with *Royalty*, and *Commote* with *Comorth*, which are distinct Words. In the word *Honor*, he says, that in Reading he has observ'd *thus many Honors in England*, and sets down 25; wherein, either his Reading was short, or his Observations defective; for, I have collected above Thrice that Number out of approved Authors, and Records, in Being when he Wrote. He is sometimes too prolix in the derivation of a Word, setting down several Authors Opinions, without Categorically determining which is the True; as in *Erchequer*, *Wuthernam*, *Herald*, *Earl*, *Justices of Trailbaston*, *Wainage*, *Purheu*, &c. And Lastly, Gives us divers bare Words without Explication, as *Cone* and *Key*, *Calending*, *Coggs*, *Duch*, *Lancegay*, *Dalingman*, *Bread of Treet*, &c. which I have supply'd; Not but that I have left some *Quaries* too, but those in Words of greater difficulty.

The Author of the *Law-Terms* was, without doubt, not less Learned; but, wrote so long since, that his very Language and



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manner of Expression was almost antiquated, till help'd by the late Correction of it ; He has added to divers *Words* several Cases in Law, relating thereto in general, not tending much to their Explication ; which I have declin'd, lest the bulk should swell too big, and the principal Design be wav'd : He omits the *Etymons* for the most part, and is much more copious in the first Part of the *Alphabet*, than in the later, which argues, the Author had not time, or perseverance, to finish it. They are both much wanting in the number of Words, especially the later ; For *Cowel* glean'd many after the *Author* of the *Law Terms* had inn'd his Harvest : yet, both have much useless and repealed Law in them ; as in reference to *Tenures* by *Knights Service* and their Appendices, *Wardship*, *Villanage*, *Purveyance*, *Star-chamber*, *Knighthood*, &c. For, thus says the Learned Author of the *Preface* to *Rolls's Abridgment*---  
*As Time, and Experience, and Use, and some Acts of Parliament have abridg'd some, and antiquated other Titles, so they have substituted and enlarged others.* *Cowel* also, especially in the *Folio Edition*, ( besides the misalphabetering ) is extremely misprinted ; yet, the *Terms of the Law* may still retain an usefulness *pro tanto*, and particularly in the *Law-French*, for young Students Instruction.

*Leigh* affords not the least Objection against my Undertaking ; for, he is a *Commentator*, not an *Expositor* ; his Title speaks it, though sometimes he acts a little in both capacities.

Having found these, among other, as I judg'd, important defects in those *Authors*, consider'd the usefulness of Books of this Nature, and reflected on these Expressions of the

\* *Coke on Litt. fol. 325.*  
*a. & 106. b.*

★ *Oracle of our Law*—*Here, as in many other places, it appears, how necessary it is to know the signification of Words.---That the explanation of Ancient Words, and the true Sense of them is requisite to be understood, per verba notiora :* And well weighed these so express Words of the Learned

\* In his Proposition touching the compiling and amendment of the Laws of England.

★ *Sir Francis Bacon For the Books of the Terms of the Law, there is a poor one, but I wish a diligent one, wherein should be comprized, not only the Exposition of the Terms of the Law, but of the Words of all Ancient Records and Presidents.* I was encourag'd to bestow my Endeavour herein. And, it will abate the wonder, that I, who, *inter doctos me non effero*, should yet not only assume the Liberty in many places to Correct those Learned *Authors*, but also make an additional Collection of above 1500 Words ; if it be consider'd,

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der'd, That they wanted those Helps I have had, *viz.* That incomparable *Glossarium Archaologicum* of Sir Henry Spelman ; The elaborate *Institutes* of Sir Edward Coke ; That excellent *Dictionary Saxonico-Latino-Anglicum* of Mr. Somner ; The Learned Works of Sir William Dugdale, and others, publish'd since those Authors wrote. My *Genius* has also led me ( though sometimes diverted ) to this kind of search these Thirty Years, as my *Glossographia* will in some measure witness ; For, whilst my Contemporaries Studied the Law itself, and gain'd Riches ; I was in quest of the difficult and uncouth *Terms* of it, and got nothing but my own Satisfaction.

Nor can I otherwise judge, but a *Nomo-lexicon* may be as necessary and useful in our Law-Common-wealth, ( even from the *Coif* to the puny Clerk ) as a *Lexicon Juridicum* among the *Civilians*, or *Lexicon-Medicum* with the *Physitians* ; since I am by this time persuaded, that no Law or Science has more abstruse *Terms* than ours.

Now, that I may in some measure prevent the Readers suspicion, that my abilities are not commensurate with so great an Undertaking ; I'll tell him freely, I have, in this *Meadow*, made little *Hay* with my own *Fork* ; but, in the more common *Words*, have made use of *Cowel*, *Lambert*, *Crompton*, *West*, *Terms of the Law*, *Skene*, &c. yet seldom without Corrections, Contractions or Additions ; In the Supplementals, *Bracton*, *Britton*, *Fleta*, *Spelman*, *Camden*, *Coke*, our several *Reporters*, and divers other Authors have been my Guides : And, in such *Words*, wherein Printed Books afforded me no Light, I have consulted *Records*, *Charters*, *ancient Manuscripts*, with *Expositio verborum*, and some of the best *Antiquaries* of these times, from whom I received both Encouragement and Assistance.

To many *Words* I have added their *Etymologies*, Dodridge in his *English Lawyer*, fol. 75. where I found them apposite, encouraged thereto by the Opinion of a Learned Judge—*Etymologies*, if they be rightly us'd, and drawn from the final Cause, or from the Effect, do not only yield an Argument of good Consequence, but also afford much Illustration and Delight.

I have briefly inserted the old Writs out of the *Registers*, though many of them are worn out of use ; and have not omitted even the *Mechanick Words*, mentioned in our *Statutes* ; since there may be use of such Knowledge in *Pleadings* : And *Lawyers*

( as



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(as *Cowel* well observes) professing true Philosophy, should not be ignorant of such, nor even of Trees, from the *Cedar of Lebanon*, to the *Hysop* that springs out of the Wall.

Though, to gratify the young Student, I have inserted some Words, which will seem very common to the more Learned, yet I have rejected divers I found in *Cowel*, as too mean, and indeed not at all deserving an explication; such are *Groome*, *Sluce*, *Copie*, *Revels*, *Toile*, *Wedding*, *Baubels*, &c. and the names of our common Drugs and Spices, mentioned in the Statute of 1 Jac.

Besides the general design of this *Dictionary*, in explaining the difficult *Law-terms* both Ancient and Modern, I conceive the Student may make a further use of it, as a *Repertory*, or *Common-place*; Since many *Statutes*, *Law-Books*, *Charters* and *Records* are cited, or referr'd to in most words: For, I have heard, the Learned Lord Keeper *Littleton* made use of *Cowels Interpreter* for the like Service. And *Attornies* may here find Authority for Law-Latin-words in Declarations and Pleadings, whereby to avoid the so often of late used, *Anglice dict.*

If I have sometimes committed a *Jeofaile*, or hunted Counter in any Explication or Etymology, in so large a field of Words, and stor'd with such variety of Game, it will be no wonder, and, I hope, will draw no censure upon me from the Ingenious: *Quis enim mortalium in argumento tam vario & immenso; tam nodoso, rigido & caliginoso, aliás non erret, aliás non cæcutiat?* Besides, the Learned *Spelman* sometimes concludes a Word with a *fateor me ignorare*, or a *ni fallor*, and even Sir *Edward Coke* has err'd (pardon the boldness of that word) at least in *Etymons*, as in *Atia*, *Hotchpot*, *Panel*, *Heriot*, *Domicellus*, &c. Therefore, if I leave some Words with a *Quare*, or a *Fortasse*, to be Resolved, or Corrected by the more Learned; it is but what *Cowel* frequently, and *Spelman* has sometimes done.

*Facile est recolere, laboriosum condere.*

Advertisements.



## Advertisements.

**T**O the end the Reader may readily know the Series of our Kings from the Conquest, and, for the most part, in what Kings Reign a Charter without Date is made, by its Title; and again, in what Year of our Lord every King Reigned, and how long, I have prefix'd a necessary Table to that purpose.

Such also of the Saxon Characters, as are different from the Common; since, through the want of some knowledge in that Language, Authors have committed many Errors; The word *Gir-luma* being by some mis-written *Gressume*, by others *Garsumme*, by others *Grossome*, and by some *Gressame*. *Guthbrecche* occurs in some, *Gethbreche*, *Grithbrich*, *Greatbreach*, *Grichbreach* and *Greachbreach*: So for *Pepe & Pite* (Were & Wite) we meet with *Pere* and *Pite*, and the like of divers other words.

Before the Conquest, Charters were usually dated; sometimes by Olympiads & Indictions; sometimes by Calends, Nones, & Ides, but most frequently by the Year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till the later end of King Edward the Second's days, and thenceforth the Year of the Kings Reign, or That of our Lord, was constantly inserted: So that Deeds, made since the Conquest, and found without Date; may be presumed to be in time before that Kings Reign.

Witnesses Names were added in the body of the Deed, and with the same Hand that wrote it, till King Henry the Eighth's time; but now changed into Endorsements, where the Witnesses subscribe their own Names. Yet I have seen an Indenture, Dated 32  
Hen.



## ADVERTISEMENTS.

Hen. 8. *which neither had any Subscription of the Parties Names, or any Witneses within, or Endorsement without, it being only Sealed by the Parties to it.*

Additions to persons Names in publick Writings and Pleadings and the Places of their Residence were very rarely inserted, till the Statute of 1 Hen. 5.

*In my Progress, where any ancient Charters or Records were judged to be extraordinary, either for Matter or Form, I have transcribed them at large, but the generality are abridg'd, to avoid prolixity. One onely Seal of King Edward the Fourth, as he was Earl of March, I was induced, as well for the rarity, as preservation of it, to exhibit in Sculpture, though without the limits of my Province.*

*I need not Apologize for the Latin, where it occurs, since both in ancient, as well as the modern times, our Law-pleadings, Charters and Records were always expressed forensi latinitate, which is acknowledged not to be of the purer sort; And a Dipthongs of old seldom used, though I have mostly supply'd them.*

To some Words I have added the variæ lectiones I met with, as Churchstret, Flemenespynthe, Lairwite, Scavage, Pannage, Ualest, &c. To others, the Etymons, which sometimes proved the more difficult, in that divers of our Law-Terms, of Birth since the Conquest, are voces hybridæ, mungrel words; Saxon, or French Latiniz'd; as Carecta from the Sax. *epet* a Cart. Bracheta, from the Fr. Brachet, a Brache, or Bitch-hound. Marettum from the Fr. Maret, Marsh-ground; not without a mixture sometimes of British and other Languages.

*The Records and Charters I cite, were for the most part copied from the Originals; some, from Printed Books of unquestionable Authority; others, from the Collections and Manuscripts of faithful and industrious Lovers of Antiquity.*

The *SAXON* CHARACTERS which differ  
from the *VULGAR*.

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E G Th d f g H M r f t w w y th th and that

# A Titular and Chronological TABLE of our KINGS and QUEENS from the Conquest, to the present 1690.

KINGS Names and Titles.	Began their Reigns.	Reigned Ye. Men. Days.	Since they Reigned.
1 <b>W</b> ilhelmus Rex ; Wilhelmus Rex Anglorum ; & Wilhelmus Rex Anglorum, Princeps Normannorum atque Cynomannentium.	1066 Octob. 14	20 11 22	603 Sept. 9
2 Willielmus Rex Anglorum, & Willielmus Dei gratia (& nutu Dei) Rex Anglorum.	1087 Sept. 9	12 11 18	570 Aug. 1
1 Henricus Rex Anglorum; Henricus Dei gratia Rex Anglorum & Henricus gratia Dei Rex Anglorum & Princeps Normannorum, called also in some Records, Henricus Vetus.	1100 Aug. 1	35 4 1	555 Dec. 1
Stephanus Rex Anglorum, & Stephanus Dei gratia Rex Anglorum.	1135 Decemb. 1	18 11 18	536 Oct. 25
2 Henricus Rex Angliæ, Dux Normaniæ & Aquitaniæ & Comes Andegaviæ.	1154 Octob. 25	35 9 8	501 July 6
1 Ricardus Rex Angliæ, Dux Normaniæ & Aquitaniæ & Comes Andegaviæ.	1189 July 6	9 9 0	491 April 6
Johannes, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ & Comes Andegaviæ.	1199 April 6	17 7 0	474 Octob. 19
3 Henricus, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ & Comes Andegaviæ: Anno Regni 44, He Styl'd himself, Henricus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ.	1216 Octob. 19	56 1 9	418 Nov. 16
1 Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. In Records sometimes named Edward of Westminster.	1272 Nov. 16	34 8 6	383 July 7
2 Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. And, 14 Regni, added Comes Pontivi & Montroill. Pat. 14 Ed. 2. Par. 2. m. 14. Styl'd also Edw. of Carnarvan.	1307 July 7	19 7 5	364 Jan. 25
3 Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. Anno 13 Regni he omitted Dux Aquitaniæ. He was also call'd Edward of Windsor, and was the first that constantly us'd Post Conquestum in his Title, to distinguish the King Edwards after the Conquest, from those before it.	1326 Jan. 25	51 5 7	313 June 21
2 Ricardus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ, called Rich. of Burdeaux	1377 June 21	12 3 14	291 Sept. 29
4 Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ, called Henry of Bulingbroke.	1399 Sept. 29	13 6 3	277 Mar. 20
5 Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ. Et Anno Regni 8, Hen. Dei Gratia, Rex Angliæ, hæres & Regens Franciæ & Dominus Hiberniæ, called also Henry of Monmouth.	1412 Mar. 20	9 5 24	258 Aug. 31
6 Henricus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1422 Aug. 31	38 6 8	230 Mar. 4
4 Edwardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1460 March 4	23 1 8	207 April 9
5 Edwardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 April 9	0 2 18	207 June 22
3 Ricardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 June 22	2 2 5	205 Aug. 22
7 Henricus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1485 Aug. 22	23 10 16	181 April 22



KINGS Names and Titles.	Began their Reigns.	Reigned Ye. Mon. Days.	Since they Reigned.
8 Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ. <i>Et Anno 10 Regni, Henricus octavus Dei gratia, &amp;c. Anno 13 Regni, Fidei Defensor was added. Et Anno 22 Regni, in terra Ecclesiæ Anglicanæ &amp; Hiberniæ supremum caput, was added. Et Anno Regni 34, Rex Hiberniæ was added.</i>	1509 April 22	37 10 2	144 Jan. 28
6 Edwardus Sextus, Dei gratia, Angliæ, Franciæ & Hiberniæ Rex, Fidei Defensor, Et in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput.	1546 Jan. 28	6 5 19	137 July 6
Queen Mary summon'd her first Parliament by the same Title, but soon after omitted Supremum Caput. After she Married King Philip, she used her own and his Titles, &c.	1553 July 6	5 4 22	132 Nov. 17
Elizabetha Dei gratia, Angliæ, Franciæ & Hiberniæ Regina, Fidei Defensor.	1558 Nov. 17	44 4 16	88 Mar. 24
1 Jacobus Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1602 Mar. 24	22 8 2	65 Mar. 27
1 Carolus Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1625 Mar. 27	23 10 3	42 Jan. 30
2 Carolus Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1648 Jan. 30	36 0 8	5 Febr. 6
2 Jacobus Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1685 Febr. 6	4 0 7	Abdicated 1688.
Gulielmus & Maria, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Reges, Fidei Defensores.	1689 Febr. 13	Coron. 1689	Vivant.
	1702 Mar. 8		

## HEPTASTICHON TECHNICUM

### Regum Reginarumque Angliæ.

**W**il. Conq. Wil. Rufus, Henri. Steph. Henq; secundus,  
Ric. John, Henricus, tres Edward, Ric; secundus,  
Post hos regnavit quartus, quintus quoque Henri,  
Hen. sextus, Edward quartus quintusq; Ricardus  
Tertius, Hen. Sept. & Oct. Edwardusq; Maria,  
Eliz. Jac. Carolus primus, Carolusque secundus.  
Postq; secund. Jacob. Nunc cum Maria Gulielmus.

# A Law-Dictionary :

Interpreting such difficult Words and obscure Terms,  
as are found, either in our Common or Statute,  
Ancient or Modern

## L A W S.

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A.



**Abatores** (*abatores*) were stealers of Cattle or Beasts, by Herds or great numbers; and were distinguished from *Fures*. *Nam qui ovem unam surripuerit, ut fur coercetur, qui gregem, ut abactor. M. S.*

**Abate** (from the French *abatre* or *abbatre*, i. To fell, break down or de. eat utterly) signifies properly, to diminish or take away; and in our Law-writers, it has a like signification: For to *abate* a Cattle or Forlet (*Old Nat. Br. fol. 45.*) in *Westm. 1. cap. 17* is interpreted to beat it down. And to *abate* a Writ, is to defeat or overthrow it by some error or exception. *Briston, cap. 48.* As he that puts out the Possessor is said to *Disseise*; so he that steps in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctim Feoffatis*, 34 *Edw. 1.* The Writ shall be *abated*, that is, shall be disabled or overthrown. So in *Stamfords Pleas of the Crown*, fol. 148. The Appeal *abates* by Covin, i. The Accusation is defeated by Deceit, *Anno 11 Hen. 6. cap. 2.*—*The Justices shall cause to be abated and quashed the said Writ.* See *Intrusion*.

**Abatement** (*Fr.*) is sometimes used for the Act of the *Abator*; as the *Abatement* of the Heir into the Land, before he has agreed with the Lord, *Old Nat. Br. fol. 91.* Sometimes for the affection or passing the thing *abated*; as *Abatement* of the Writ. *Kitchin, fol. 214.* And in this signification it is as much as *Exceptio dilatoria*, with the Civilians (*Brit. cap. 51.*) or

rather an effect of it: For the Exception alleged and made good, works the *Abatement*. And this Exception may be taken, either to the insufficiency of the Matter, or incertainty of the Allegation, by misnaming the Plaintiff, Defendant, or place; to the variance between the Writ, and the Specialty or Record; to the incertainty of the Writ, Count, or Declaration, or to the death of either of the parties, before Judgment had, and for divers other causes: Upon which defaults, the Defendant may pray, That the Writ or Plaint may *abate*; that is, the Plaintiffs sue against him, may cease for that time. To prevent the *Abatement* of Writs of Error, see the Statute 16 *Car. 2. cap. 2.* Sir Edward Coke says, *Abatementum* is a word of Art, and signifies an Entry by Interposition. On *Littl. fol. 277.* where he shews the difference between *Abatement*, *Disseisin*, *Intrusion*, *Deforcement*, *Usurpation*, and *Purpresture*.

**Abbacy**, (*abbatia*) is the same to an Abbot, as Bishoprick to a Bishop: We may call it his *Paternity*. *Talis Abbatia (qua Paternitas Latino nomine dicitur) funditus removeatur.* Concil. Meldens. *Anno Dom. 845, cap. 10.* The word is used *Anno 34 & 35 Hen. 8. cap. 17, 18.* *Sciatis--quod ego Isabella Comitiſſa Pembr. pro salute anime meae--Dedi Deo & Abbathie de Nutteley. totam Wickham juxta pradiſſam Abbatiam, &c. sine dat.*

**Abbat or Abbot** (*Abbas Sax. Abbud*) A Spiritual Lord, that has the rule and preheminance over a Religious House. He is by *Justinian* termed *Archimandrita*, by others *Canobiarcha* vel *Archimonachus*. Of these, some in England were *mitred*, some not: The *mitred* were exempt

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empt from the Jurisdiction of the Dioceſan, having Epifcopal Authority within their Precincts, and being alſo Lords of the Parliament; which were called *Abbots Sovereign* (*Anno 9 Rich. 2. cap. 4.* and *Abbots General*); The other fort were ſubject to the Dioceſan in all Spiritual Government. And as *Abbots*, ſo were there Lord Priors alſo, who, both had exempt Jurisdiction, and were Lords of Parliament, as appears by Sir Edw. Coke, *de Jure Eccleſ. fol. 28.* Of which Lord *Abbots* and Priors that ſat in Parliament, ſome Authors reckon but Twenty fix: Sir Edw. Coke ſays they were Twenty ſeven *Abbots* and two Priors (*On Lit. fol. 97.*) In the Parliament 20 *Rich. 2.* there were but Twenty five *Abbots* and two Priors. But in the Summons to the Parliament at *Winton*, *Anno 4 Edw. 3.* (*in Duſſo clauſ. ejuſdem An. Membran. 41.*) I find more named, to which I have added the Founders out of the *Monachiſchon Anglicanum*.

<i>Abbots and Priors.</i>	<i>Founders Names.</i>
1 Abbot of S. Auſtins in Canterbury.	Ethelbertus Rex. <i>Anno 602.</i>
2 Abbot of Ramſey.	Ailwinus Semi Rex, 969.
3 Abbot of Peterborough.	Wulferus Rex, 664
4 Abbot of Croyland.	Ethelbald Rex Mercia, 726.
5 Abbot of Eweſham.	Egwin Epifc. Wigorn, 708.
6 Abbot of St. Benet de Hulmo.	Canutus Rex, <i>Anno 1026.</i>
7 Abbot of Thornby.	Wil. Albemarle ſub Hen. 2.
8 Abbot of Colcheſter.	Eudo Dapſer, Hen. 1.
9 Abbot of Leiceſter.	Rob. Boſſus, Comes Leic. 1141.
10 Abbot of Wincheſcomb.	Kenulphus Rex Mercia, 789.
11 Abbot of Weſtminſter.	Seabert Rex Occid. Sax. 604.
12 Abbot of Cirenceſter.	Henricus Primus, 1133.
13 Abbot of S. Albans.	Offa Rex. mercia, 795.
14 Abbot of S. Mary York.	Alanus Comes Britania, 1088.
15 Abbot of Shrewsbury.	Roger Comes Montgom. 1081.
16 Abbot of Selby.	Gulielm. Conqueſtor, 1078.
17 Abbot of S. Peters Glouceſter.	Offric Rex Northumb. 700.
18 Abbot of Malmsbury.	Maidulfus Hibern. Scot. 648.
19 Abbot of Walſham.	Heraldus Rex, 1036.
20 Abbot of Thorney.	Ethelwoldus, & Edgarus Rex, 972.
21 Abbot of S. Edmunds.	Canutus Rex, 1020.

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22 Abbot of Beau-lieu.	Johannes Rex, <i>Anno Regni 6.</i>
23 Abbot of Abingdon.	Ciſſa Rex, <i>Anno 675.</i>
24 Abbot of Hyde.	Aluredus Rex, 922.
25 Abbot of Rading.	Henricus Primus Rex, 1125.
26 Abbot of Glaſtonbury.	Inas Rex. Occid. Sax. 708.
27 Abbot of Oſney.	Rob. Fitz Nigel Doily, 1129.
28 Prior of Spalding.	Jo. Talbois Com. Angdegav. 1074.
29 Prior of S. Johns of Jeruſalem.	Jordanus Briſet & Ox. ejus, 1100.
30 Prior of Lewes.	Will. de Warren Primus Comes Sur. 1078.

To which were afterwards added,

31 Abbot of S. Auſtins Briſtol.	Henricus Secundus Rex.
32 Abbot of Barde-neſey.	Rex Ethelredus, 712.
33 Prior de Semplingham.	Sanctus Gilbertus, 1131.

To theſe alſo Henry the Eight added the Abbot of Taveſtock. And in the Teſte to *Magna Charta*, the names of ſome other *Abbots* are inſerted, among the great Men of the Realm. An Abbot with the Monks of his Houſe, who were called the *Convent*, made a Corporation, and he was not chargeable with the Act of his Predeceſſor, if it were not by their Common Seal, or for ſuch things as came to the uſe of the Houſe.

*Abbathy* (*Anno 31 Hen. 8. cap. 13.*) See *Abbacy*.

*Abettator*, an *Abettre*. See *Abet*.

*Abbrochment* (*abbrocamentum*) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and ſelling the ſame by retail. *M. S. de Placit. coram Rege Ed. 3. penes Joh. Trezor Mil.*

*Abbuttals* (from the Fr. *abutter* or *abouter*, i. *terminare*) are the Buttings or Boundings of any Land, Eaſt, Weſt, North, or South; declaring on what other Lands, High-ways, or other places it does *Abbut*: As in *Crokes Reports*, 2 part fol. 184. *The Plaintiff hath faild in his Abbuttals*, that is, In ſetting forth how his Land is abutted and bounded. *Latera autem nunquam aiunt abuttare; ſed terram proximam adiacere.*—Th ſe (ſays Camden) that have Written of Limits, ſay, That certain Hillocks or Piles of Earth, which they termed *Botentines*, were ſet in Limits. Hence peradventure our Buttings and Boundings.

*Abeypance* or *Abbayance*, (from the Fr. *bayer*, i. To gape after, or expect; as thoſe are ſaid, *Bayer a l'argent, qui ſpe atque animo incumbunt pecunia*) in *Littleton*, cap. *Diſcontinuance*, St. E. 56. is thus uſed, *The right of Fee*

*Fee-simple lies in Abeyance*; that is, as himself interprets it, only in the remembrance, intendment and consideration of the Law. Sir *Edw. Coke* calls it in *gremio Legis*. The Franktenement of the Gleab of a Parsonage, is in no man, during the time the Parsonage is void, but is in *Abeyance*. And it is a Principle in the Law, *That of every Land there is a Fee-simple in some man, or it is in Abeyance*. Considering this with the signification of the French word, it is probable our ancient Law Books signifie hereby a kind of hope or longing expectance; because those things that are in *Abeyance*, though for the present in no man, yet are they in hope and expectation, belonging to him who is next to enjoy them. For I find also in the French, that *Bayard* is a Man that gazes earnestly at a thing. And; this *Abeyance* may be compared to that which the *Civilians* call *Hereditatem jacentem*. See *Coke on Lit. fol. 342. b.* And *Plowden, casu Walsingham*.

*Abet* (from the Saxon *a. ad vel usque*, and *be Tan*, i.e. *emendare, excitare*) signifies to encourage, incite or set on. The Substantive *Abetment* is used for an encouraging or instigation. *Stamf. Pl. Cor. fol. 105.* And *Abettor* or *Abettor* for an instigator or setter on. *Old Nat. Br. fol. 21.* But, both Verb and Noun are always used in the evil part: As *Abettors of Murder* are those that command, counsel, or maintain others to murder: And in some Cases such *Abettors* shall be taken as Principals, in other, but as Accessories, and their presence or absence at the Deed doing, makes a difference in the Case.

*Abjuring*, (According to *Rastals Exposition*) is to be quit of Amerciaments before whomsoever, for Transumption proved. The word originally signifies a Forfeiture, or an Amerciament, and is much transformed in the writing, since more probably it should be *Misjuring*, *Misjering*, or *Miskering*, according to the Learned *Spelman*. It seems by some Authors, to signifie a Freedom or Liberty; because he that has this word in any Charter or Grant, has not only the Forfeitures and Amerciaments of all others for transgressions within his Fee; but also is himself free from all such control, by any within that compass.

*Abjuration* (*abjuratio*) a forswearing or renouncing by Oath; a sworn banishment, or an Oath taken to forsake the Realm for ever. For, as *Stamford (Pl. Cor. lib. 2. cap. 40.)* saith, The devotion towards the Church (first in *Edward* the Confessors time, and afterward till 22 *Hen. 8.*) was so zealous, That, if a Man, having committed Felony, could recover a Church or Churchyard, before he were apprehended; he might not be thence drawn to the usual tryal at Law; but confessing his fault to the Justices, at their coming, or to the Coroner, and before them or him, give his Oath finally to forsake the Realm: The form and effect whereof you may read in *De Officiis Coronatorum*; and in *Horns Mirror of Justice, lib. 1. cap. Del Office de Coroner. Quando ali-*

*quis abjuravit regnum, Crux ei liberata fuit in manu sua portanda in itinere suo per semitas regias, & vocabitur vexillum sancte Ecclesie*, *Essex, Plac. Hil. 26 Ed. 3.* But this grew at last to be but a perpetual confining the Offender to some Sanctuary, wherein, upon abjuration of his liberty and free habitations, he would chuse to spend his life, as appears *Anno 22 Hen. 8. cap. 14.* It is Enacted 21 *Jac. cap. 28.* That hereafter no Sanctuary or Priviledge of Sanctuary, shall be allowed; and consequently *Abjuration* is taken away, 2 *Inst. fol. 629.* See *Sanctuary*. Robertus le Tailleux de Drayton, qui suspensus fuit apud Abyngdon, relictus pro mortuo sub furcis, surrexit & fugit ad Ecclesiam de Abyngdon, & ibidem cognovit se esse latronem, & Abjuravit Regnum coram Coronatore, &c. *Anno 14 Ed. 1.*

*Abolition* (*Anno 25. Hen. 8. cap. 21.*) A destroying or putting out of memory; *Instituta actionis peremptio*. The leave given by the King or Judges to a criminal accuser to desist from further prosecution.

*Abridge* (from the Fr. *Abreger*) to make shorter in words, holding still the whose substance; But in Law it seems to signifie, for the most part, the making a Declaration or Count shorter, by substracting or severing some of its substance. For example, a Man is said to abridge his Plaint in Aflize, or a Woman her Demand in an Action of *Dower*, that hath put into the Plaint or Demand any Land, not in the Tenure of the Tenant or Defendant; and, if the Tenant pleads *Non-tenure*, or such-like Plea to parcel of the Land demanded, in Abatement of the Writ; the Demandant may abridge his Plaint or Demand to that parcel, that is, he may leave out that part, and pray the Tenant may answer the rest, to which he has not yet pleaded any thing; The cause is, for that in such Writs the certainty is not set down, but they run in general. And though the Demandant hath abridged his Plaint or Demand in part, yet the Writ remains good still for the rest. *Brook, tit. Abridgment. Anno 21. H. 8. cap. 3.*

*Abridgment of a Plaint.* See *Abridge*.

*Abrogate* (*abrogo*) to disannul; take away, or repeal; as to abrogate a Law, i. To lay aside or repeal it, *Anno 5 & 6 Edw. 6. cap. 3.* See *Prorogue*.

*Absentees* or *des Absentees*, was a Parliament so called, held at *Dublin*, 10 *May*, 28 *H. 8.* And mentioned in *Letters Patent*, *Dat. 29 H. 8.* See *Cokes 4 Inst. fol. 354.*

*Abuttals.* See *Abuttals*.

*Accedas ad Curiam* (Lat.) is a Writ that lies for him, who has received false Judgment, or fears partiality in a Court Baron, or Hundred Court, being directed to the Sheriff, as appears by *Dyer, fol. 169. numb. 20.* As the Writ *De falso judicio* lies for him that has received such Judgment in the County Court; the form whereof you may see in *Fitz. Nat. Br. fol. 18.* And in the *Register, fol. 9. b.* where it is said this Writ lies for Justice delayed, as well



as fairly given; and that it is a *Species* of the Writ *Recordare*.

*Accedas ad Vicecomitem*, is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a *Pone* delivered him, doth suppress it, *Reg. of Writs*, fol. 83.

*Acceptance* (*acceptatio*) is a taking in good part, and a tacite kind of agreeing to some former Act done by another, which might have been undone or avoided, if such *Acceptance* had not been. For example, if *Baron* and *Feme* seized of Land in right of the *Feme*, make a joyn't Lease or Feoffment by Deed; reserving Rent, the Baron dies, the *Feme* accepts or receives the Rent: By this the Feoffment or Lease is made good, and shall bar her to bring the Writ *Cui in vita*. *Coke on Littl.* fol. 211. b.

*Accessory* or *Accessory* (*particeps criminis*) most commonly signifies, one that is guilty of a felonious offence, not principally, but by participation, as by command, advice or concealment, and is of two sorts, 1. *Before the offence or fact*, is he that commands or procures another to commit Felony, and is not himself present; but, if he be, then he is also a Principal. 2. *After the offence*, is he that receives, assists, or comforts any man, that has done any Murder or Felony, whereof he hath knowledge. He who counsels or commands any evil, shall be judged *accessary* to all that follows upon it, but not to another distinct thing. As, I command one to beat another, and he beats him so, that the other dies of it, I shall be *accessary* to his murder. But, if I command one to steal a White Horse, and he steals a Black one; or to burn such a House, which he well knows, and he burns another, I shall not be *accessary*. Where the *Principal* is pardoned or hath his Clergy, the *Accessory* cannot be arraigned; there being a Maxim in the Law, *Ubi non est principalis non potest esse accessarius*: For, it appears not by the Judgment of Law, that he was *Principal*; but if the *Principal*, after Attainder, be pardoned or hath his Clergy allowed him, there the *Accessory* shall be arraigned. See Sir Edward Cokes 2 Part *Institutes*, fol. 183. In the lowest and highest offences, there are no *Accessaries*, but all are *Principals*; as in Riots, forcible Entries, and other transgressions, *Vi & armis*, which are the lowest offences. So in the highest, which is *crimen lese Majestatis*, there are no *Accessaries*; but in Felony there are, both before, and after. *Coke on Littl.* fol. 71. There cannot be an *Accessory* before the Fact, in Man-slaughter; because that is sudden and unpremeditated. See more in *Stamf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48.* *Accessaries* in Petit-Treason, Felony, Murder, shall not have their Clergy, *Anno 4 & 5 Phil. & Ma. cap. 4.*

*Accompt* (*computus*) is taken for a Writ or Action, which lies against a Bailiff or Receiver, who ought to render an account to his Lord or Master, and refuseth. And by the Statute of

*Westm. 2. cap. 1.* if the Accomptant be found in arrear, the Auditors that are assigned to him, have power to award him to prison, there to remain, till he makes agreement with the party. But if the Auditors will not allow reasonable expence and costs, or if they charge him with more Receipts than they ought, his next friend may sue a Writ *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four *Mainpernors*, to bring his body before the Barons of the Exchequer, and to warn the Lord to appear there at a certain day. See *Fitzb. Nat. Brev.* fol. 116.

*Accord* (French) Agreement, Concordance, Consent. Particularly it is an Agreement between two or more, where any person is injured by a Trespass, Offence, or Contract, to satisfy and content him with some recompence, which, if executed, and performed, shall be a good Bar in Law, if the other party (after the *Accord* performed) bring any Action for the same.

*Accroche* (Fr. *accrocher*) to hook, clasp, or grapple unto. It is used (*Anno 25 Edw. 3. Stat. 3. cap. 8.*) as *Encroach*. In France, even at this day *Accrocher un Proces*, signifies to stay a Suit, or to delay the proceeding of it for a time. See *Encroachment*.

*Achat* (French *Achet*, i. A Bargain or Purchase) is used for a Contract or Bargain. *Brook. tit. Contract.* Purveyors were by Parliament, 36 Ed 3. ordained to be then after called *Achators*.

*Acknowledgment-money*, Is a Sum of Money paid by some Tenants, at the Death of their Landlord, in Acknowledgment of their New one. — *Solves xii. d. ad recognitionem cujuslibet novi Domini de Hope, &c Ex libro Cart. Priorat. Leominstria*; and called in Latin, *Laudativum vel laudemium, a laudando Domino*.

*Acquiescencia de Spiritibus et Undis*, i. *Quod Prior non debet facere seßam ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin.* Ex Reg. Priorat. de Cokesford.

*Acquittandis plegiis*, Is a Writ lying for a Surety against the Creditor that refuseth to acquit him, after the Debt is paid. *Reg. of Writs*, fol. 158. Where it appears, that this is a *Justicies*.

*Acquital* (from the French *acquiter*, to free, acquit, or discharge) most commonly signifies a Deliverance, Discharge, and setting free from the suspicion or guilt of an offence; and is twofold, *Acquital in Law*, and *Acquital in Fact*.

*Acquital in Law*, Is when Two are appealed or indicted of Felony, one as Principal, the other as Accessary; the Principal being discharged, the Accessary is by consequence also freed. And in this case, as the Accessary is acquitted by Law, so is the Principal in Fact. *Stamf. Pl. Cor. fol. 169.* *Acquital* is also where there is a Lord, Mesn, and Tenant; and the Tenant holds Lands of the Mesn, and the Mesn holds over of the Lord Paramount. Now the Mesn ought to acquit the Tenant of all services claimed

claimed by any other for the same Lands; for the Tenant must do his service to the Mesne only, and not to divers Lords for one parcel of Land. See *Coke on Littleton*, fol. 100.

**Acquittance** (*acquittantis*) Is a Release or Discharge of a Debt formerly due. But the Verb (*acquit*) the Participle *acquitted*, and the Noun *acquittal*, signifie also a discharge or clearing from an offence objected; as *acquitted* by Proclamation. *Smith de Rep. Ang.* p. 76. *Stamf. Pl. Cor.* fol. 168. *Brook tit. Acquittal.*

**Acre** (from the Germ. *Acker*, i. *ager*) Is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, be the length more or less. And, if a Man erect any new Cottage, he must lay four Acres of Land to it, after this measure. *Anno 31 Eliz. cap. 7.* With this measure agrees *Crompt. in his Jur. of Courts*, fol. 222. Though he says, according to the Custom of divers Countreys, the Perch differs, being in some places, and most ordinarily but sixteen foot and a half; but in *Staffordshire* twenty four foot, as was adjudged in the Case between Sir *Edward Aston*, and Sir *John B. in the Exchequer*. In the Statute concerning sowing Flax, (*24 Hen. 8. cap. 4.*) eightscore Perches make an Acre, which is forty multiplied by four. Also the Ordinance of Measuring Land, *33 Edw. 1.* agrees with this account.

**Action** (*actio*) is thus defined by *Bracton*, lib. 3. cap. 1. & 3. *Actio nihil aliud est quam jus persequendi in iudicio quod alicui debetur*; and is divided into *personal*, *real*, and *mixt*. See *Cokes 2 Inst.* fol. 40.

**Action personal**, Is that which one Man hath against another, by reason of any Contract for Money or Goods, or for offence done by him, or some other person, for whose Fault he is by Law answerable.

**Action real**, Is that whereby the Demandant claims Title to any Lands or Tenements, Rents, or Commons, in Fee-simple, Fee-tail, or for life. And every *Action real*, is either *Possessory*, that is, of his own Possession or Seisin; or *ancestral*, of the Seisin or Possession of his Ancestor. *Coke*, lib. 6. fol. 3.

**Real Actions**, as *Writs of Right*, *Writs of Entry*, &c. And their several Appendixes, as *Grand Cape*, *Petit Cape*, *Receit*, *View*, *Aid*, *Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warranty*, *Recovery in value*, were several great Titles in our *Year-Books*, but now much out of use. *Preface out of Rolls Abridgment.*

**Action mixt**, Is that which lies indifferently for the thing detained, or against the person of the Detainer; and is so called, because it hath a *mixt* respect, both to the thing and the person: Or (as others define it) is Sute given by the Law to recover the thing demanded, and damages for wrong done: As in *Assize of Novel Disseisin*, which *Writ* (if the Disseisor make a Feoffment to another) the Disseisor shall have against the Disseisor; and the

Feoffee, or other Ter-Tenant to recover not only the Land, but damages also. And so in an *Action of Waste* and *Quare impedit*.

**Actions** are also divided into *Civil*, *Penal*, and *Mixt*. *Coke*, Vol. 6. fol. 61. a. **Action Civil** is that which tends only to the Recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

**Action Penal** aims at some penalty, or punishment in the party sued; be it corporal or pecuniary: As in the *Action Legis Aquilia* in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall pursue the Law against the offender, and bring him to condign punishment. *Bracton*, lib. 3. cap. 4.

**Action mixt**, is that which seeks both the thing, whereof we are deprived, and damages or a penalty for the unjust detaining of it: As in an *Action* for *Tyche* upon the Statute *2 & 3 Edw. 6. cap. 13.* *licet est alia Actio mixta, quæ dicitur Actio Hirciscundæ, & locum habet inter eos qui communem habent hereditatem*, &c. See *Coke on Litt.* fol. 262. b.

**Action** is also (according to the Form of the *Writ*) divided into such as are conceived to recover, either the simple value of the thing challenged, or the double, triple, or quadruple. As a *Decies tantum* lies against *Embracers*. *Fitz. Nat. Br.* fol. 171. And against Jurors that take Money for their Verdict of either or both parties: And to be short, any other *Action* upon a Statute, that punishes any offence by Restitution or Fine, proportionable to the Transgression.

**Action** is *Prejudicial* (otherwise termed *Preparatory*) or else *Principal*. *Prejudicial* is that which grows from some question, or doubt in the *Principal*: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. *Bracton*, lib. 3. cap. 4. *Numb. 6.* This point of Bastardy must be tried, before the cause can further proceed; and therefore is termed *Prejudicialis, quia prius judicanda*.

**Action** is either *Ancestral* or *Personal*, *Stamf. P. Cor.* 59. *Ancestral* seems to be that, which we have by some right descending from our Ancestor; and *Personal*, which has beginning in, and from our selves. There is also *Action Ancestral Draiturel*, and *Action Ancestral Possessory*; which see in *Cokes 2 Inst.* fol. 291.

**Action upon the Case** (*actio super casum*) is a general *Action* given for redress of wrongs done to any Man without force, and by Law not especially provided for, and is now most in use. For, where you have any occasion of Sute, that neither has a fit Name, nor certain Form already prescribed; there the Clerks of the *Chancery*, in ancient time, conceived a fit Form of *Action* for the thing in question, which the *Civilians* call *Abionem in Factum*, and we, *Action upon the Case*.



**Action upon the Statute** (*Actio super Statutum*) is an Action brought against a Man, upon an offence against a Statute, whereby an Action is given, and lay not before. As where one commits Perjury, to the prejudice of another, he who is endangered, shall have a Writ upon the Statute, and his Cause shall be the difference between an *Action upon the Statute*, and *Action upon Popularem*. Where the Statute gives the Suit or Action to the party grieved, or otherwise to one person certain, that is called *Action upon the Statute*. But where Authority is given by the Statute to every one that will sue, that is *Action Popularem*. *Action Popularem* has two sorts: *Action Perpetual* or *Temporal* (*Perpetua vel Temporalis*) and that is called *Temporalis* whose force is by mortmain determined. Of which sort were all Civil Actions among the Ancient Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors; whereas Actions granted by the *Pretor*, died within the year. So we have in England, *Perpetual* and *Temporary Actions*, and I think all may be called *Perpetual*, that are not expressly limited. As divers Statutes give Actions, so they be pursued within the time prescribed; namely, the Statute of 1 Edw. 6. cap. 1. gives Action for three years after the offences committed, and no longer. And the Statute of 7 Hen. 8. cap. 13. doth the like for four years; and that of 31 Eliz. cap. 5. for one year, and no more. But, as by the Civil Law, no Actions were at the last so perpetual, but that by time they might be prescribed against; so in our Law, though Actions may be called *Perpetual*, in comparison of those that are expressly limited by Statute, yet is there a means to prescribe against Real Actions after five years, by a Fine levied, or a Recovery suffered; as you may see in the words of *Fine*, *Recovery*, and *Limitation of Affix*.

**Action of a Writ**, Is a term used, when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ he brought; yet it may be, he might have another Writ or Action for the same matter. Such a Plea is called, *A Plea to the Action of the Writ*. Whereas, if by the Plea it should appear, that the Plaintiff has no cause to have an Action for the thing demanded; then it is called *A Plea to the Action*.

**Acts of Parliament** are Positive Laws, which consist of two parts (*viz.*) Of the words of the Act, and the sense of it; both which joyned together, make the Law.

**Acton Burrell**, A Statute so called, made 13 Edw. 1. Anno 1281. Ordaining the Statute Merchant for Recovery of Debts, and was so termed, because made at *Acton Burrell*, a Castle, anciently of the *Burrills*, afterward of the *Levells* in *Shropshire*.

**Acuary** (*Acuarium*) Is the Scribe that Registers the Acts and Constitutions of the Convocation. Also an Officer in the Court Christian, who is in nature of a Register.

**Addition** (*additio*) signifies, a Title given to a Man once and above his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of dwelling, &c. *Additions of Estate*, are these; *Knave*, *Gentleman*, *Esquire*, and such like. *Additions of Degree* are these; we call names of Dignity, as *Knight*, *Lord*, *Earl*, *Marquess*, and *Duke*. *Additions of Mystery*, are; *Scutiger*, *Painter*, *Mason*, &c. *Additions of Town*, as *Duke of York*, and such like. And where a Man hath household in two places, he shall be said to dwell in both; so that his *Addition* in either may suffice. That *Knave* was anciently an *Addition*. See *Knave*.

By the Statute of 1 H. 5. cap. 5. it was ordained, That in Suits or Actions where a Oath of Outlawry lies, such *Additions* should be to the name of the Defendant, to shew his Estate, Mystery, and place where he dwells, and that the Writs; not having such *Additions*, shall abate, if the Defendant take exception there to; but not, by the Office of the Court. And this was ordained, to the intent, that one Man might not be vexed, or troubled by the Outlawry of another's, but by reason of the certain *Addition*, every person may bear his own burden. See 2 Part Instit. fol. 595. & 666. And the Statute 27 Eliz. cap. 7.

**Addowdore**. See *Redowdore*. **Adeling or Ethling**, From the Sax. *Ade-lan*, i. nobilis) Was a Title of Honor among the Angles; properly appertaining to the Successor of the Crown. For King Edward the Confessor being himself without issue, and intending to make *Edgar* (to whom he was great Uncle by the Mothers side) his Heir to this Kingdom, called him *Adeling*. *Hoveden parte postea*. *Annal. fol. 347. a.* Vide *Leges Edw. Conf.* and more of this in *Spelmans Glossarium*.

**Adjournment** (From the Fr. *adjournement*) Is when any Court is dissolved for the present, or put off, and assigned to be kept again at another day or place. *Adjournment in Eyre* (Anno 25 Edw. 1. Statute of *Purveyor*, cap. 18. Is an appointment of a day, when the Justices in Eyre mean to sit again. And in 2 Edw. 3. cap. 11. *Adjournment* has the like signification. See *Prorogue*.

**Adjudication** (*adjudicatio*) A giving by Judgment, a Sentence, or Decree, An. 16 & 17 Car. 1. cap. 10.

**Ad inquirendum**, Is a Writ Judicial, commanding enquiry to be made of any thing touching a Cause depending in the Kings Court, for the better execution of Justice, as of *Barbary*, and such like. Whereof see great diversity in the Table of the *Register Judicial*, Verbo, *Ad inquirendum*.

**Ad iura Regis**, Is a Writ that lies for the Kings Clerk, against him that sought to eject him to the prejudice of the Kings Title in right of his Crown. Of which see *Register of Writs*, fol. 61. a.

**Admensuramentum** (*admensuratio*) Is a Writ which lies, for bringing those to Reason, or a Mediocrity, that usurp more than their share.

And

And this in two Cases, the one termed *Admeasurement of Dower* (*Admensuratio Dotis*), where the Widow of the deceased holds from the Heir, or his Guardian, more, in the name of her Dower, than of right belongs to her. *Register of Writs*, fol. 171. *2. Fitz. Nat. Br.* fol. 148. In which case, the Heir shall be restored to the Overplus. The other, *Admeasurement of Pasture* (*Admensuratio pasturarum*) which lies between those, who have Common of Pasture, appendant to their Freehold, or Common by Vicinage, in case any of them Surcharge the Common with more Cattle than they ought. *Register*, fol. 156. b. *Fitz. Nat. Br.* fol. 148.

**Adminicle** (*adminiculum*) Aid, help, support. *Anno 1. Edw. 3. cap. 11.* *2. Fitz. Nat. Br.* fol. 148.

**Administrator** (Lat.) Is he that hath the Goods of a Man dying Intestate committed to his charge by the Ordinary, and is accountable for the same, whensoever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by wasting the Goods of the dead. If the Administrator die, his Executors are not Administrators; but it behoves the Court to grant a new Administration. If a stranger, who is neither Administrator nor Executor, take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator. See the Statutes of *Westm. 2. cap. 19.* And *21. Edw. 3. cap. 11.*

**Administratrix** (Lat.) She that hath such Goods committed to her charge.

**Admiral** (*Admiratus, Admirallus, Admiratio, Capitanus* or *Custos Maris*) signifies an High Officer, or Magistrate, that hath the Government of the Kings Navy. See the Statutes 13 & 15 *Rich. 2. cap. 5.* & 3. *H. 4. cap. 11.* 28 *Hen. 8. cap. 15.* And 27. *Eliz. cap. 11.* This Officer is in all Kingdoms of Europe that border on the Sea. He hath cognizance of the death, or maim of a man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in the great Streams, for the Service of the King or Commonwealth, and hath jurisdiction in such Streams, during the same Voyages. And it appears, that anciently the Admirals of England, had Jurisdiction of all Causes of Merchants and Mariners, hapning not only upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a Summary way, according to the Laws of Oleron, and other Sea-Laws. See *Prynnes Animadversions* on 4 *Inst. pag. 75.* & seq. He was in our ancient Records styled *Capitanus Marina-rorum*.

**Admission** (*admissio*) Is when the Bishop, upon examination, admits a Clerk to be able, and says *Admisit te habilem.* *Coke on Littl. fol. 344. a.*

**Admittendo Clerico**, Is a Writ granted to him, who hath recovered his right of Presentation against the Bishop in the *Common-Bench*. The form whereof read in *Fitz. Nat. Br.* fol. 38. And *Register of Writs*, fol. 39. a.

**Admittendo in Socium**, Is a Writ for the association of certain persons to Justices of Assize formerly appointed. *Register of Writs*, fol. 206. a.

**Adnichiled** (*Anno 28 Hen. 8. cap. 17.*) Annulled or made void.

**Ad quod damnum**, Is a Writ that lies to the Sheriff to enquire what hurt it may be for the King, to grant a Fair or Market in any Town, or place; or for the King, or any other person to grant any Lands in Fee-simple to any house of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a dead hand; that is, such an estate and condition, that the chief Lords lose all hope of Heriots, service of Court and Escheats, upon any traitorous or felonious offence committed by the Tenant. For a Body Politick dies not, nor can perform personal service to the King, or their Mess Lords, as single persons may do. And therefore it is reasonable, that before any such grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in *Fitz. Nat. Br.* fol. 201. And see *Mortmain*.

**Ad terminum qui preterit**, Is a Writ of Entry, that lies where a Man, having Leased Lands or Tenements for term of life or years; and after the term expired, is held from them by the Tenant or other Stranger that enjoys the same, and deforceth the Lessor. Which Writ lies for the Lessors Heir also. *Fitz. Nat. Br.* fol. 201.

**Advent** (*adventus*) Is the time from the Sunday that falls either upon St. Andrew day, or next to it, till the Feast of Christs Nativity, (*Sir Edward Coke* (2 *Part Inst.* fol. 261.) says, *Advent* ends eight days after the Epiphany; but it is a mistake) wherein our Ancestors reposed much reverence and devotion, in reference to the approaching solemn Feast. For, *In Adventu Domini nulla Assisa debet capi. Int. Placita de temp. Regis Joh. Ebor. 126.* Whereupon there was a Statute ordained, *Westm. 1. cap. 48.* That notwithstanding the said usual solemnity and time of rest, it should be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Assizes of Novel Disseisin, Mort d'Antecessor, and Darrain presentments, in the time of Advent, Septuagesima, and Lent. This is also one of the times, from the beginning whereof, to the end of the Octaves of the Epiphany, the solemnizing of Marriage is forbidden, without special Licence, according to these old Verses,

*Conjugium Adventus prohibet, Hilarique relaxat;*

*Septuagena vetat, sed Pasche Octava re-*  
*duct.*

*Rogatio versat, concedit Trina potestas.*  
See Rogation Week, and Septuagesima.

Adultery



**Adultery** (*Anno 1. H. 7. cap. 4. Adultery, Adulterium, quasi ad alterius torum*). Properly spoken of married persons; but if only one of the two, by whom this sin is committed, be married, it makes *Adultery*; which was severely punished by the ancient Laws of this Land, (not to mention the *Julian Law*, among the old Romans, which made it death.) *Edmundus Rex Adulterium affici jussit instar homicidis* L.L. suarum, cap. 4. *Canutus Rex hominem adulterum in exilium relegari jussit, scilicet nam nasum & aures præcidi* L.L. par. 2. cap. 6. & 50. *Qui uxoratus facies Adulterium, habet Rex vel Dominus superiorem, Episcopus inferiorem* L.L. Hen. 1. cap. 12. *Doomsday* viz. *Chent, Rex, Dover, — Da Adulterio per totam Chent, habet Rex hominem, Archiepiscopus mulierem, excepta terra St. Trinitatis, S. Augustini, & S. Martini, de quibus Rex nihil habet. Et ita Celre Civitas — Vidua, si se non legitime commiscebat xxx s. emendebat, puella vero x s.* The penalty of this sin was called *Blairwite* by our Saxons. See in 2 Part *Cokes Instit.* the notable Case of *Margaret*, the Wife of *John de Camois*, who, with the consent of her Husband, lived in Adultery with *Sir William Panch*, yet lost her Dower. See *Dower*. — *Rex vic. Spubi. — Præcipimus tibi quod diligenter inquiri facias per legales homines de Vijn. Candeur. si Robertus Pincerna, habens suspectum Will. Wake qui cum uxore sua Adulterium committeret, prohibuit ei ingressum Domus sue, & si idem Will. post prohibitionem illam, Domus ipsius Roberti ingressus, Adulterium prædictum commisit, inde præfatus Robertus mentula eum privavit, & si Inquisitio dederit, quod ita sit, tunc eidem Roberto & sui qui cum eo erant ad hoc faciend. ter. & catalla sua, occasione illa in manum nostram saisita, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem alius inquisitionis G. fil. Petri Justic. & Baronibus nostris de Scacc. scire fac. Teste G. fil. Petri Com. Essex apud Wade. Stoke. 3 Nov. — Claus. 14 Joh. m. 2.* Perhaps this might be in some degree, pursuant to a Law made by *William the Conqueror*, That whoever forced a Woman, should lose his Genitals.

**Ad ventrem inspiciendum**, Is a Feminine Writ, mentioned in the Statute of *Effoins*, Anno 12 Edw. 2. See *Ventre inspiciendo*.

**Advocatione decimarum**, Is a Writ that lies for the claim of the Fourth Part or upward, of the Tythes that belong to any Church. Register of Writs, fol. 29. b.

**Advowtry**. See *Adultery*.

**Advow alias abow** (*advocare*) To justify or maintain an Act formerly done. For example, One takes a Distress for Rent, or other thing, and he that is distrained, sues a *Replevin*. Now the Distrainer, justifying or maintaining the Act, is said to *Avow*. Hence comes *Advowant* and *Advowry*. *Old Nat. Br. fol. 43. Bracton* useth the Latin word in the same signification (as *Advocatio diffessina*) Lib. 4. cap. 26. And I find in *Cassianus de Consuet. Burg.* pag. 120. *Advocare* in the same signification. And pag. 123. the Substantive *Desavo-*

*bamentum*, for a Disavowing or refusing to Avow.

**Advowee alias advowe** (*advocatus*) Is a title for him that hath right to present to a Benefice. Anno 25 Edw. 3. Stat. 5. Where we find also *Advowee Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad quem pertinet jus Advocationis alicujus Ecclesie, ut ad Ecclesiam nomine proprium non alieno, possit præsentare* *Electa lib. 5. cap. 14. Fitz. Nat. Br. fol. 23.* useth it in the same signification. See *Avowee*.

**Advowzen** (*advocatio*) A right to present to a Benefice; as much as *Jus Patronatus* in the Canon Law. The reason why it is so termed, is, Because they that Originally obtained the right of presenting to any Church, were upholders of, or great Benefactors to that Church, either by building or increasing it; and are therefore sometimes termed *Patrons*, sometimes *Advocats*, sometimes *Defensurs*. Cap. 4. & 23. *De jure Patronatus in Decretal.* And *Advowzen* (being a *Baltard-French* word) is used for the right of presenting; as appears by the Statute of *Westminster*, Anno 13 Edw. 1. cap. 5. And *Advowry* is used in the same sense in the Statute of *Provisors*, 25 Ed. 3.

**Advowzen**, Is of two sorts, *Advowzen in Gress*, that is, Sole, not adhering to any Mannor, as parcel of its rights; and *Advowzen Appendant*, which depends upon a Mannor, as appurtenant to it, termed by *Kitchin* an Incident that may be separated from the Subject. Of this *Shene, De verbor. sign.* hath these words; *Dicitur Advocatio Ecclesie, vel quia Patronus alicujus Ecclesie ratione sui juris advocat se ad eandem Ecclesiam, & assertit se in eadem habere jus Patronatus, eamque esse sui quasi clientis loco, vel potius cum aliquo (nempe Patronus) advocat alium jure suo ad Ecclesiam vacantem, eumque loco alterius (veluti defuncti) præsentat, & quasi exhibet.*

**Almsfeoh**, Pecunia elemosynaria, scilicet, *denaria Sancti Petri*. See *Almsfeoh*.

**Etate pplotanda**, Is a Writ that the King's Tenant, holding in chief by Chivalry, and being Ward by reason of his nonage, obtained to the *Escheator* of the County where he was born, or sometimes where the Land lay, to enquire whether he were of full age to take his Lands into his own hands. Register of Writs, fol. 294. Fitz. Nat. Brev. fol. 253. Now disused.

**Aery or Airy of Goshawks**, rectius *Cyery*, (from the French *Cyre*, i. ova) Is the proper word in Hawks, for that we generally call a Nest in other Birds. So it is used Anno 9 Hen. 5. cap. 13. in the Charter of the Forest, and in divers other places.

**Esneery**. See *Esneery*.

**Estimatio Capitris**, (*Sax. werp. i. precium hominis*) King *Aethelstan*, in a great Assembly held at Exeter, declared what Mulcts were to be paid pro estimatione Capitris, for Offences committed against several persons according to their degrees; The estimation of the King's Head

head to be 30000 *Thrymsa*; of an Arch-bishop or *Satrapa* or Prince, 15000; of a Bishop or a Senator, 8000; of a Priest or a Thane, 2000. *Sc. Cressy's Church Hist. fol. 834. b. & LL. Hen. 1.*

**Affeerers**, (*afferatores*) probably from the Fr. *affier*, i. To confirm or affirm, are those that are appointed in Court Leets upon Oath, to settle and moderate the Fines of such as have committed faults arbitrarily punishable, and have no express penalty set down by Statute. The form of their Oath you may see in *Kitchin, fol. 46*. The reason of this appellation seems to be, because those that are appointed to this Office, do affirm upon their Oaths, what penalty they think in Conscience the Offender hath deserved. We find this word used in *Rat. Parl. 14 Ed. 2. & Anno 25 Edw. 3. Stat. 7. (viz.) The same Justices before their rising in every Sessions, shall cause the Amerciamentis to be affeered. And to the same effect, Anno 26 Hen. 6. cap. 6. Kitchin, fol. 78. joyns these three words, as Synonyma's, Affidati, Amerciatores, Affiores. Bracton hath Affidare mulierem, to be betrothed to a Woman, *Lib. 2. cap. 12*. But I find in the Customary of Normandy, cap. 20. This word (*affeur*) which the Latin Interpreter expresseth by (*taxare*) that is, to set the price of a thing, as *estimare, indicare, &c.* Which etymology seems to be the best.*

**Affidatio Dominozum**, an Oath taken by the Lords in Parliament, *Anno 3 Hen. 6. Rot. Parl. See Compendatur.*

**Affidatus**, Signifies a Tenant by Fealty, also a Retainer. — *Ego Rogerus de Finsid. dedi, &c. Wil. Walenfi pro suo servitio unam acram & perchiam terra, &c. Pro hac donatione & concessione devenit pradius Wil. Affidatus meus, &c. Affidati non proprie vassalli sunt, sed quasi Vassalli, qui in alicujus fidem & clientelam sunt recepti, recommendati dii. Laurentii Amalthæa. Affidatio accipitur pro mutua fidelitatis connexionem, tam in sponsaliis, quam inter Dominum & Vassallum. Proles de affidata & non maritata, non est hæves. M. S. Penes Arth. Trevor. Arm.*

**Affirm** (*affirmare*) Signifies to ratify or confirm a former Law or Judgment. So is the Substantive *Affirmance* used *Anno 8 H. 6. cap. 12*. And so is the Verb it self by *West, parte secunda Symbol. tit. Fines, sect. 152*. If the Judgment be affirmed, &c. As also by *Crompton* in his *Jurisd. fol. 166. 19 Hen. 7. cap. 20*.

**Afforciamentum** (Fr. *Efforcement*) pro reparatione murorum & aliorum afforciamentorum dictæ Civitatis. *Prins Animad. on Coke, fol. 184*. Here it signifies Fortifications. — *faciendo unam sectam per afforciamentum ad Curiam de Dunham-Massy. Carta Willi. de Tabley, temp. Ed. 1. quare.*

**Afforest** (*afforestare*) To turn Ground into Forest. *Charta de Foresta, cap. 1. Anno 9 Hen. 3. See more in Forest.*

**Affray** (of the Fr. *affres*, i. A fright) signifies a skirmish or fighting between two or more. *Lamb. in his Eirenarcha, Lib. 2. cap. 3.*

faith, It is oft-times confounded with *Affault*; but they differ in this, That an *Affault* is only a wrong to the party; an *Affray* is a common wrong: And therefore both are enquirable and punishable in a Leet. An *Affray* may also be without word or blow given: As if a Man shew himself furnished with Armor or Weapons, not usually worn, it may strike a fear into others unarmed. And so it is used, *An. 2 Edw. 3. cap. 3.*

**Affretamentum**, The Freight of a Ship; from the French *Fret*, which signifies the same.

*Sciatis quod cum, ut accepimus, nuper in quadam causa maritima pecuniaria viginti & quinque librarum, prætatu affretamenti medietati ejusdam Cræteræ, vocata la Christopher de Boston, &c. Pat. 11 Hen. 4. par. 1. m. 12.*

**Affri vel Affra**, Bullocks, or Plough-horses. *Viccomes liberes ei omnia casalla debitorum, exceptis ddbu & Affris caruca. Westm. 2. cap. 12. & Communum pastura ad decem boves & duos affros in pradiu pasturi. Mon. Angl. 2. par. fol. 291. a. And in Northumberland, to this day, they call a dull or slow Horse, a False aver, or Afer. Spelm.*

**Age**, (*ætas*, Fr. *age*,) Signifies that part of Mans life, which is from his birth, to this, or his last day. But in Law it is particularly used for those especial times, which enable Men or Women to do that, which before for want of Age, and consequently of Judgment, they might not do. These in a Man, are two; at Fourteen years he is at the Age of discretion, Twenty one years is his full Age. *Littleton, lib. 2. cap. 4*. In a Woman there were six Ages observed: First, at Seven years of Age her Father might, of old, Distrain the Tenants of his Mannor, for aid to marry her: For at those years she may consent to Matrimony. *Bracton, lib. 2. cap. 36. numb. 3*. Secondly, At nine years old she is Dowable; for then, or within half a year after, she is able Promereri dotem & virum sustinere, *Fleta, lib. 5. cap. 22. Litt. lib. 1. cap. 5*. Which *Bracton* does notwithstanding limit unto Twelve years. Thirdly, At twelve years she is able finally, to ratify and confirm her former consent to Matrimony. Fourthly, At Fourteen, is enabled to receive her Lands into her own hands, and should be out of Ward, if she were of this Age at her Ancestors death. Fifthly, At Sixteen years she should be out of Ward, though at the death of her Ancestor she was under Fourteen. The reason is, Because then she might take a Husband able to perform Knights service. Sixthly, At Twenty one years she is able to alienate her Lands and tenements. Also at the age of fourteen, a Man is enabled to chuse his own Guardian, and to claim his Land holden in Socage, *Dyer, fol. 162*. Which *Bracton* (*Lib. 2.*) limits at Fifteen years, with whom *Glanville* also agrees. And at Fourteen a Man may consent to Marriage, as a Woman at Twelve. At the age of Fifteen years, a Man ought to be sworn to keep the Peace. *An. 34 Edw. 1. Stat. 3*. The age of Twenty one did compel a Man to be Knight, that had Twenty



ty pound Land *per annum* in Fee, or for term of Life. *Anno 1 Edw. 2. Stat. 1.* Which Statute is repealed *17 Car. 1. cap. 20.* That age also enables him to make Contracts, and manage his estate; which until that time, he cannot do, with security of those that deal with him. The age of Twelve years binds to appearance before the Sheriff and Coroner, for enquiry after Robberies. *Anno 32 Hen. 3. cap. 24.* The age of Fourteen years enables to enter an Order of Religion, without consent of Parents. *Anno 4 Hen. 4. cap. 17.* See *Coke on Litt. fol. 78. b.*

**Age Prier**, (*atatem precari*, or *atatis proatio*) Is a Petition or Motion made in Court by one in his minority, (having an Action brought against him for Lands coming to him by descent) that the Action may rest till he come to full age; which the Court, in most Cases, ought to grant. This is otherwise in the *Civil Law*, which enforceth Children in their minority to answer by their Tutors or Curators.

**Agenhine**. See *Hogbenhine*.

**Agent and Patient**, Is when one is the doer of a thing, and the party to whom it is done: As where a Woman endows her self of the fairest possession of her Husband.

**Agist**, (From the Fr. *giste*, i. A Bed or Resting-place, or from *gister*, i. *stabulari*) Signifies to take in, and feed the Cattel of Strangers in the Kings Forest, and to gather the Mony due for the same. *Charta de Foresta, cap. 9.* The Officers that do this, are called *Agistors*, in English *Guest* or *Gift-takers*. *Crom. Jurisd. f. 1146.* These are made by the Kings Letters Patent, and he hath four of them in every Forest, where he has any Pannage. In what their Office consists, see *Mantwood, part. 1. of Forest Laws, p. 336.* Their Function is termed *Agistment*, & *Agistage*; as, *Agistment upon the Sea Banks. Anno 6 Hen. 6. cap. 5.* This word *Agist* is also used for the taking in of other Mens Cattle into any Mans Ground, at a certain rate *per week*. See *4 Part. Instit. fol. 293.*

**Agitatio animalium in Foresta**, The driv of Beasts in the Forest. *LL. Foresta.*

**Agreement** (*Agreementum*, *Plowden, fol. 17*) Is a joyning or putting together of two or more Minds in any thing done, or to be done; and this is in three manners, 1. An Agreement executed at the beginning. 2. An Agreement after an Act done by another, and is executed also. 3. An Agreement executory, or to be done. The first is such, whereof mention is made in the Statute of *25 Edw. 3. cap. 3.* of Cloaths, which saith, *That the Goods bought by Forefallers, being thereof attainted, shall be forfeit to the King, if the Buyer thereof have made Owe with the Seller*; where the word *Owe*, which is otherwise called *Agreement Executed*, signifies payment for the things, or Satisfaction. The second is, where one does an Act, and another agrees or assents thereunto afterwards.

The third is, when both parties at one time are agreed, that such a thing shall be done in time to come; which is *Executory*, in regard the thing is to be done afterwards.

**Aid** (*auxilium*) Is all one in signification with the French *aide*, and differs only in pronunciation, if we take it as it used in our vulgar Language. But, in our Laws, it hath divers particular significations, as sometimes it signifies a Subsidy. *An. 14 Edw. 3. Stat. 2. cap. 1.* Sometimes a Prestation due from Tenants to their Lords, as toward the Relief due to the Lord Paramount. *Glanville lib. 9. cap. 8.* This the King or other Lord might of old lay on their Tenants, for Kni<sup>g</sup>hting his eldest son at the age of fifteen year, or marrying his daughter at seven. *Register of Writs, fol. 87. a.* And that at what rate themselves listed. But the Statute of *Westm. 1. An. 3. E. 1. 1.* ordained a Restraint herein upon common persons, being Lords, and tied them to a constant rate. *And 25 Edw. 3. Stat. 5. cap. 11.* Provides, that the rate set down by the former Statute should hold in the King, as well as in other Lords. Of which, I finde mention in the Statute of *27 Hen. 8. cap. 10.* This Imposition seems to have descended to us from Normandy, (or rather from a more ancient Original, viz. The Feodal Laws.) For in the *Grand Customary, cap. 35.* you have a *Tractat*, entituled *Des aides Chevelz*, i. *De auxiliis capitalibus*; whereof the first is, *A faire Eine fitz de son seigneur Chevalier*, i. To make the eldest son Knight. The second, *Son aines fille marier*, i. To marry the eldest Daughter, &c. Both these, and all charges incident thereunto, are taken away and discharged by Statute, *12 Car. 2. cap. 24.*

The word *Aid* is also particularly used in Matter of Pleading, for a Petition made in Court for the calling in of help from another, that hath an interest in the cause in question; and is likely to give strength, both to the party that *prays in Aid* of him, and also to avoid a prejudice growing toward his own right, if not prevented. But this course of proceeding is of late much disused. *Fitz-Herbert* mentions both *Prayer in Ayde*, and *Prier Ayde de Patron*, &c. *Auxilium petere a patrono*, *Nat. Br. fol. 50. d.* And the *New Book of Entries, verbo, Ayde de parcerer, fol. 421.* The word is also found in *13 Rich. 2. cap. 17.*

This *Ayd-prier*, or *Ayd-prayer*, is sometime also used in the Kings behalf, that there be no proceeding against him, till his Council be called, and heard what they can say, for avoiding the Kings prejudice or loss in the cause in hand. Also a City or Borough that hath a Fee-Farm of the King, may *pray in Ayd* of him, if any thing be demanded of them relating thereto. Of this you may read the Statute *De Bigami, An. 4 Edw. 1. cap. 1. 2. & 3. 14 Edw. 3. Stat. 1. cap. 14. & 19 Car. 2. cap. 8. Vide Rescit.*

**Aile**, (of the Fr. *aisul*, i. *avul*) signifies a Writ that lies, where the Grand-father, or great

great Grand-tather called by us *Befayle*, but in true French *Befaycul*, was seised of any Land or Tenement in Fee-simple the day he died, and a stranger abateth or enters the same day, and dispossesseth the Heir; *Fitz. Nat. Br. fol. 222.* See *Plowden, fol. 449.* *l.* with the custom of Aile and appurtenances in Dorset. *Rot. Parl. 4 Edw. 3.*

**Airie of Hawks.** See *Airie*.

**Alba firma.** *Census annalis qui Centenario five Domino Hundredis penditur. Ideo alba dicta, quod non ex more prisce seculi in annony qua tunc Black mail nuncupata fuit (hoc est census vel firma nigra) sed argento, qui censu albo reddebatur.* *Spelman. Duplex est tenura in Com. Westmerland. scil. una per Albam firmam & alia per Curmagium, &c. 2 Part. Inst. fol. 10.*

**Album,** Used for white Rent, or Rent paid in Silver. *Com. Pas. 6 H. 3. Rot. 1. Dorso.*

**Alderman** (Sax. Ealdorman, i. Senior,) Was among the Saxons, as much as Earl among the Danes, *Cam. Brit. fol. 107.* Also an Elder, Senator, or Statesman. At this day we call them *Aldermen*, who are Associates to the Civil Magistrate of a City or Town Corporate, *24 H. 8. cap. 13.* See *Spelman's Glossarium* at large on this word, where you shall find that we had here in the Saxons time, a principal Officer called *Aldermannus totius Anglia*, who was in nature of Lord chief Justice of England. *Hic requisivit D. Alwinus incliti Regis Eadgari cognatus, totius Anglia Aldermannus, & hujus sacri Canobii (i. Ramesien.) miraculosus Fundator.*

**Alepiman** (*alepimannus*) — *Omnis Alepiman de tota Soca de Hecham, debet singulis annis unum denarium de Chevagio; & operabitur per tres dies in autumnopno, exceptis illis qui ab hac servitute liberi sunt.* *Consuetudinar. de Hecham Prior. Lew. M. S. pag. 21.* Videtur Alepimannos istos mancipia fuisse; Chevagii enim solutio servitutis indicium est. *Spelman.*

**Aler sans jour** (Fr.) Is *Verbatim*, to go without day; the meaning whereof is to be finally dismissed the Court, because there is no day of farther appearance assigned. *Kitchin, fol. 104.*

**Ale-silver,** A Rent or Tribute yearly paid to the Lord Major of London, by those that sell *Ale* within the City. *Antiq. of Purveyance, fol. 183.*

**Aletaster,** Is an Officer appointed in every Court *Leet*, and sworn to look to the Affize, and goodness of Bread and *Ale*, or Beer, within the Precincts of that Lordship. *Kitchin, fol. 46.* Where you may see the Form of his Oath.

**Alias,** *vide Capias alias.*

**Alien** (*alienare*) signifies to transfer the property of any thing to another person. To *Alien* in Mortmain, is to make over Lands or Tenements to a Religious House, or other Body Politick. See *Mortmain*. To *alien* in Fee, is to sell the Fee-simple of any Land or Tenements, or of any Incorporal right. *Westm. 2. cap. 25. Anno 13 Edw. 1.*

**Alien** (*alienus*) One born in a strange Country. It is usually taken for the contrary to *Denizen*, or a natural subject, that is, a stranger never here enfranchised. *Brook. Denizen, 4 &c.* Yet a Man born out of the Land, so it be within the limits of the Kings obedience beyond the Seas, or of English Parents out of the Kings obedience, so the Parents; at the time of the Birth be of such obedience, is no *Alien* in account; but a subject to the King. *Stat. 2. 25. Edw. 3.* commonly called the Statute *De natu ultra mare*. Also, if one born out of the Kings Allegiance, come and dwell in England, his Children begotten here, are not *Aliens*, but *Denizens*. See *Denizen*.

**Alimony** (*alimonia*) Nourishment, maintenance. But in a modern legal sense, it signifies, that portion or allowance, which a married Woman sues for, upon any occasional separation from her Husband; wherein she is not charged with Elopement or Adultery. This *Alimony* was anciently expressed by *rationabile estoverium*, reasonable maintenance. *Rex Vic. Bucks salutem. Præcipimus tibi quod de Maritagio Emma de Pinckney uxoris Laurentii Penire, qui excommunicatus est, eo quod prædictam Emmam affectione maritali non tractat; eidem Emma rationabile estoverium suum invenias donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne sitratus clamor ad nos inde perveniat. T. 29 Aug. Anno Regni nostri 7 Rot. Claus. 7. Hen. 3. p. 1. m. 3.*

**Alloy** (Fr.) Is used for the temper or mixture of other Metals with silver or Gold. *Anno 9 Hen. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11.* The reason of which *Alloy* is, with a baser metal, to augment the weight of the Silver or Gold, so much as may countervail the Princes charge in the Coynage, and to make it the more fusile. *Anto Faber. de Nummariarum debitorum solutionibus, cap. 1. Anno 4 Hen. 7. cap. 2.*

**Allegiate,** i. *Juxta Legem se a crimine, quo impeditur, liberare.* *Spelm.*

**Allocation** (*allocatio*) A placing or adding unto; also allowance made upon an account. Used in the *Exchequer*.

**Allocations facienda,** Is a Writ directed to the Lord Treasurer and Barons of the *Exchequer*, upon a Complaint of some Accomptant, commanding them to allow him such sums, as he hath by vertue of his Office lawfully and reasonably expended. *Register of Writs, fol. 206. b.*

**Allumino;** (from the Fr. *allumer*, to lighten or kindle) is used for one, who by his Trade coloureth or paints upon Paper or Parchment. And the reason is, because he gives light and ornament by his colours to the Letters, or other Figures coloured. The word is used *An. 1 Rich. 3. cap. 9.* Now we call him a *Linner*.

**Almner or Almoner** (*Elemosynarius*) Is an Officer of a King or Princes house, whose Function is carefully to collect the fragments of Meat and Victuals, and distribute them every day to the poor; charitably to visit the sick and



and leprous, prisoners, poor widows, needy persons, and those that have no constant abode; likewise to receive, and faithfully distribute cast-Horses, Robes, Money, and other things given in Alms; he ought also to excite the King with often admonitions, especially on Festival days, to be bountiful in giving Alms, and to beseech, that his rich robes may not be given to Parasites, Maskers, Stage-players, or the like, but may go towards the increase of his Alms. *Fleta*, lib. 2. cap. 22.

**Almsfeoh** or **Aelmsfeoh** (Sax. *i.* Alms-money; that is, *Peterpence*, anciently paid in England, on the first of August, and given by King Ina; called also *Romefeoh*, *Romefcot*, and *Heorthpening*. *Seldens History of Tynes*, pag. 217. See *Peterpence*.

**Alnage** (Fr. *Aulnage*) Ell-measure, the measuring with an Ell) Anno 17 Edw. 4. cap. 5. See *Alnager*.

**Alnager** or **Alneger** (Fr. *Alner*, *i.* A Measurer by the Ell) signifies a sworn publick Officer, who by himself or Deputy look to the Affize of Woollen Cloth made through the Land, and to the Seals for that purpose ordained, Anno 25 Edw. 3. Stat. 4. cap. 1. And 3 Rich. 2. cap. 2. who is accountable to the King for every Cloth so sealed in a Fee or Custom thereunto belonging, 17 Rich. 2. cap. 2. Read of this more, 27 Edw. 3. cap. 4. — 1 Hen. 4. cap. 13. — 7 Ejusdem, cap. 10. — 11 Ejusdem, cap. 6. — 13 Ejusdem, cap. 4. — 11 Hen. 6. cap. 9. — 31 Ejusdem, cap. 5. — 1 Edw. 4. cap. 1. — 8 Ejusdem, cap. 1. and 1 Rich. 3. cap. 8. There are now a Ternary of Officers relating to the Regulation of Cloathing; all which, were anciently comprized in the unity of one person. These bear the distinct names of *Searcher*, *Measurer*, and *Alneger*, which last, though it be a Tautological expression (*Aulnage* and *Measure*, being the same thing denoted in two Languages) yet long usage and custom have brought them to distinct Offices, and that which anciently was called *Alnage*, from whence the *Alnager* takes the name, who was no more but *Measurer* in signification, is now become Collector of the Subsidy granted to the King, by the before recited Statutes, still holding the name *Alnager*, because the collection of that Subsidy was by Edward the Third, committed to the charge of the *Alnager*, and he nevertheless not abridged of his measuring and searching, till by his own wilful neglect they became separated, and that by distinct Laws. Inasmuch, as there is now a peculiar *Measurer*, who ought to allow the Affize of Length and Breadth to every particular Cloth, made in England and Wales: And, because the Subjects of this Land should not be abused, an Office of *Searching* is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denore the defaults and casual abuses which each particular Cloth contains. All these Offices were anciently under the cognizance of the *Alnager*; as you may read at large in a Treatise, entituled,

*The Golden Fleece*, Printed Anno 1656. See 4 Instit. fol. 31.

**Alnetum**, A place where Alders grow, or a Grove of Alders. — *Unum Pomarium, & unum Alnetum, & unum Sokemannum, & decem libratas terra*. Pat. 16. H. 3. par. 1. m. 8. It also often occurs in *Domesday*.

**Alodarij**, Lords of Free Mannors, Lords Paramount. *Quando moritur Alodarius, Rex inde habet Relevacionem terra*, &c. *Domesday*. tit. Kent. and *Cokes* 1 Inst. fol. 1. and 5. See *Fee*.

**Alodium**, In *Domesday*, signifies a free Mannor; *Coke on Littl.* fol. 5.

**Altarage** (*altaragium*) Comprehends not only the offerings made upon the Altar, but also all the profit which accrues to the Priest by reason of the Altar, *Obventis Altaris*.

Northampton, ff. *Inter ordines five decreta de Termino Sancti Mich.* Anno 21 Eliz. in *Scaccario remanentes*, & in custodia Rememoratoris Regis inter alia continetur sic.

Jovis, 12 Die Nov.

UPON the hearing of the Matter betwixt Ralph Turner, Vicar of West-Haddon, and Edward Andrews, it is ordered, That the said Vicar shall have, by reason of the words (*Altaragium cum manso competenti*) contained in the Composition of the Profits assigned for the Vicars maintenance, all such things as he ought to have by these words, according to the definition thereof made by the Reverend Father in God, John Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Archies, John Gibson, Henry Jones, Laurence Hewes, and Edward Stanhop, all Doctors of the Civil Law, that is to say, By Altaragium, *Tythes of Wooll, Lamb, Colt, Calf, Piggs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of West-Haddon.*

*Vicarius de Tikhill habeat totum Altaragium, ita quod nomine Altaragii contineantur omnes obventiones, decima & proventus ipsius Ecclesia de Tikhill, exceptis decimis bladi, Liguminis, & sœni, &c.* Ordinatio Walteri Archiep. Ebor. Anno 33 Pontificat.

*Oblationes five nummorum, five panum, tali vel tali Altari, vel ex devotione vel ex consuetudine, aut a Parochianis, aut ab extraneis facta, Altaragii nomine censebantur.* Gloss. in Mat. Paris.

**Alto & basso**, or in alto & in basso. *Pateat universis per presentes quod Willielmus Tylar de Yetton, & Thomas Gower de Aylemeestre posuerunt se in alto & in basso in arbitrio quatuor hominum, viz. — de quadam querela pendente inter eos in Curia de Wyggemore ad sententiam predicti Willielmi versus prefatum Thomam,*

nam, *Et prædicti quatuor homines judicaverunt & ordinaverunt quod*—Dat. Anno. 2 Hen. 5.—*Ipse Prior venit & Bogo similiter & ponunt se in gratiam, misericordiam & voluntatem Regis de alto & basso, ad quod mandantur Turri London. vi. Gloss. x. Script. Sc. Plac. coram Rege, Hil. 18 Edw. 1.* By this is meant, the absolute submission of all differences, small and great, high and low.

**Alicus Justiciatus.** See *Justiciatus*.

**Amabyr, vel Ambabyr** (Br.) Pretium virginitatis Domino solvendum. L.L. Eccl. Hocli Dha. Regis Walliz. Puella dicitur esse desertum Regis, & ob hoc Regis est de ea Ambabyr habere. This Custom was in Honour of Clun, till such time as Henry Earl of Arundel by his Deed dared ult. Aug. 3 & 4. Phil. & Mar. in consideration of 60 l. released it to all his Tenants there, by the name of the Custom of Amabyr and Chense. See *Chevaage*.

**Ambidexter** (Lar.) He that useth his left hand as well as his right; that plays on both sides: But in the legal acception, it signifies, That Juror or Embraceor who takes Money on both sides for giving his Verdict; for which he forfeits ten times so much as he takes, 38 Edw. 3. cap. 12. *Crompt. Just. of P. fol. 156. b.*

**Ambra** (Sax. ambep, Lat. *Amphora*) a Vessel among our Saxons, the quantity now not known, but I have seen in an old Deed, mention of *Ambra Salis*.

**Ame** (Kings Proclamation, 1663.) See *Aume*.

**Amenable** (from the Fr. *amener*, i. To bring or lead unto) Others write it *amainable*, from the Fr. *main*, a hand) tractable; that may be led by the hand or governed; that may be brought or terched in. It is applied in our Law Books to a Woman that is supposed governable by her Husband.

**Amendment** (*amendatio*) signifies the correction of an Error committed in a Process, and espied before or after Judgment; and sometimes after the party seeking advantage by the Error. *Brook, titulo, Error and Amendment.*

**Amerciament** (from the Fr. *Merçi*, i. *misericordia*,) signifies the pecuniary punishment of an offender against the King, or other Lord in his Court, that is found to be in *misericordia*, i. to have offended, and to stand to the mercy of the Lord. There is a difference between *Amerciaments* and *Fines*: These, as they are taken for punishments, are punishments certain, which grow expressly from some Statute; but *Amerciaments* are arbitrarily imposed by *Affeerors*. See *Kitchin*, fol. 78. and 214. *Manwood* (in his first part of *Forest Laws*, pag. 166.) makes another difference, as if an *Amerciament* were a more easie or merciful Penalty, and a *Fine* more sharp and grievous. Take his words, *If the Pledges for such a Trespass appear by common Summons, and not the Defendant himself, then the Pledges shall be imprisoned for the Defendants default: But other-*

*wise it is, if the Defendant himself appear, and be ready in Court before the Lord Justice in Eyre, to receive his Judgment, and to pay his Fine. But if such Pledges make default, they shall be Amerced, but not Fined.* The Author of the *New Terms of Law* saith, That *Amerciament* is most properly a Penalty assessed by the Peers or Equals of the Party Amerced for an offence done; for which he puts himself upon the mercy of the Lord: Who also mentions an *Amerciament Royal*, and defines it to be a pecuniary punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices for some offence. *Rastiff*, Baron of the *Exchequer*, 2 Hen. 7. fol. 7. See *Misericordia*.

**Amittere legem terræ**, To lose the liberty of Swearing in any Court, or (as Sir *Edward Coke* says) to become infamous, is used by *Glanvil* (lib. 2. cap. 3) for the punishment of the Champion, overcome or yielding in batel, upon a Writ of Right, and of Jurors found guilty in a Writ of Attaint. *Seldens Titles of Honor.*

**Ammobragium**, — *Quæ quidem terra de nobis tenebatur per certa servitia & per Ammobragium, quod ad quinq; solidos extenditur, cum acciderit.* Pat. 7 Ed. 2. m. 7. intus. q. ii not the same with *Amabr*.

**Amortization** (*amortizatio*, Fr. *amortissement*) Est *prædiorum translatio in manum mortuam, quod tamen sine venia Principis non fiat.* Jus *amortizationis* est privilegium seu licentia capiendi in manum mortuam. In the Statute *De libertatibus perquirendis*, Anno 27 Edw. 1. the word *Amortisement* is used. See *Mortmain*.

**Amortize** (from the Fr. *amortir*) Is to Alien Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors; which cannot be done without Licence of the King, and the Lord of the Mannor. Anno 15 Rich. 2. cap. 5. See *Mortmain*, and the Statute of *Amortizing Lands made tempore Edw. 1.*

**Amoveas manum.** See *Ouster le Main*.

**An, jour & Waste** (*Annus, Dies, & Vastum*) Look *Year, Day, and Waste*.

**Anchorage** (*ancoragium*) A duty taken of Ships for the *Pool of the Haven*, where they cast Anchor. *M. S. Arth. Trever Ar.* For no man can let any Anchor fall on the Kings Ground in any Port, without paying thereto to the Kings Officers appointed by Patent.

**Ancestor**, (*antecessor*) Is well known; but we make this difference betwixt that and *Predecessor*; the first is applied to a natural person, as *L. S. & Antecessores sui*; the other to a Body Politick or Corporate, *Episcopus Winton & Predecessores sui.* *Coke on Littl. Lib. 2. cap. 4. Sect. 103.*

**Ancestrel**, As *Homage Ancestrel*, i. Homage that hath been done or performed by ones Ancestors. See *Homage*.

**Ancient**, (Fr. *ancien*) In *Greys-Inn* the Society consists of *Benchers, Ancients, Barristers*, and *Students*, under the Bar; where the *Ancients* are of the more Ancient Barristers.



rasters. In the Inns of Chancery there are only *Ancients*, and *Students*, or *Clerks*, and among the *Ancients*, one is yearly the *Principal*, or *Treasurer*. In the *Middle-Temple*, *Ancients* are such as are past their *Reading*, and never read.

**Ancient demain**, (*vetus Patrimonium Domini*) Is a Tenure, whereby all the Mannors belonging to the Crown in the days of *Saint Edward*, or *William the Conqueror*, were held. The number and names of which Mannors, as of all other belonging to common persons, after a Survey of them, he caused to be written in a Book, now remaining in the *Exchequer*, called *Doomsday*. And those which by that Book appear to have at that time belonged to the Crown, and are contained under the Title *Terra Regia*, are called *Ancient Demain*. *Kitchin*, fol. 98. Of these Tenants there are two sorts; one that held their Land frankly by Charter, the other by Copy of Court-Roll, or by Verge at the Will of the Lord, according to the Custom of the Mannor. *Britton*, cap. 66. numb. 8. The benefit of this Tenure consists in these Points. 1. The Tenants holding by Charter, cannot be impleaded out of their Mannor, or, if they be, they may abate the Writ; by Pleading their Tenure, before or after answer made. 2. They are free of Toll, for all things, concerning their Sustainance and Husbandry. 3. They may not be empannelled upon any Enquest. See more it *Fitz. Nat. Br.* fol. 14. d. & fol. 228, &c. By whom it appears, these Tenants held originally by Plowing the Kings Land, plashing his Hedges, or such like, towards the maintenance of his Household; in which regard, they had such Liberties given them, wherein, to avoid disturbance, they may have Writs to such as take the Duties of Toll, as likewise for Immunity of Portage, Passage, or such like. No Lands ought to be accounted *Ancient Demain*, but such as are held in *Soccage*. See *Monstraverunt and Demain*.

**Ancienty**, (*Fr. anciennete, ancientnes*) In the Statute of Ireland, 14 Hen. 3. is used for Eldership or Seniority. As, *The Eldest Sister can demand no more than her other Sisters, but the chief Mease by reason of her Ancienty.*

**Andena**, A swath in Mowing. See *Dole*.

**Angaria**, — *Terram liberam ab omnibus Angariis & exactionibus*, &c. *M. S. penes Elyam Ashmole Arm.* from the *Fr. Angaria*, i. personal service, that which a man is bound to perform in his own person. *Præstationes Angariarum & Perangariarum plaustrorum & Navium*, impressing of Ships.

**Auhlore** (A Sax. an, una & Hlot, portio) a simple or single Tribute or Tax. *LL. Wil. 1. cap. 64.* See *Sax. & Lat.*

**Annates** (*annates*) Are all one with *First-fruits*. *Anno 25 Hen. 8. cap. 20.* The reason is, because the rate of *First-fruits* paid of Spiritual Livings, is after one years profit. *Annates more suo appellant primos fructus unius anni sacerdotii vacantis, aut dimidiam eorum partem,*

says *Polidor Virgil de Inven. rerum lib. 8. cap. 2.* Note, *Annates*, *Primisia*, and *First-fruits*, are all one. *Cokes 12. Rep. fol. 45.* See *First-fruits*.

**Annealing of Tile** (*Anno 17 Ed. 4. in principio*) signifies the burning or hardening of Tile, and comes from the Sax. *On-ælan accendere*.

**Aniented** (*Anientized* in Stat. 1 R. 3. 2. from the *Fr. aneantir*, i. To make void) signifies abrogated, annihilated or brought to nothing. *Littleton*, lib. 3. cap. Warranty, and 3 *Inst. fol. fol. 40.*

**Anniversary days** (*dies anniversarii*) Were of old those days, wherein the Martyrdoms or Deaths of Saints were celebrated yearly in the Church; or the days whereon, at every years end; Men were wont to pray for the Souls of their deceased Friends, according to the continued Custom of *Roman Catholicks*; mentioned in the Statute 1 *Edw. 6. cap. 14.* and 12 *Car. 2. cap. 13.* This was in use among our ancient Saxons, as you may see in *Lib. Rames. Sc. 134.*

**Anni nubiles** (*Lat.*) When a Woman is said to be *infra annos nubiles*, that is, under the age of twelve years; unmariageable. *Cokes 2 Inst. fol. 434.*

**Annua pensione**, Is a Writ (now disused) whereby the King having an Annual Pension due to him from an Abbot or Prior, for any of His Chaplains, (whom He should think good to nominate, being as yet unprovided of sufficient living) demands the same of the said Abbot or Prior; and also wills him for His Chaplains better assurance, to give him His Letters Patent for the same. *Register of Writs*, fol. 265, 307. And *Fitz. Nat. Br.* fol. 231. Where you may see the names of all the Abbeys and Priories bound to this, in respect of their foundation or Creation.

**Anno Domini**, Is the computation of time from the Incarnation of our Lord *JESUS*, and is used in publick Writings; sometimes with, and sometimes without the year of the Kings Reign. As the *Romans* made their computation from the building of the City of *Rome*, and the *Grecians* by *Olympiads*: So Christians in remembrance of the happy Incarnation of our Saviour, reckon their time from thence. *The day of the Month, the Year of our Lord and Saviour Christ, and the Year of the Kings Reign, are the usual Dates of Deeds.* *Cokes 2 Inst. fol. 675.*

**Annuity** (*annuus redditus*) Signifies a Yearly Rent to be paid for term of Life, or Years, or in Fee; and is also used for the Writ that lies against a Man for recovery of such a Rent. *Register of Writs*, fol. 158. *Fitz. Nat. Brev. fol. 152.* *Annuity* is otherwise defined to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith; whereof a man shall never have Affize, or other Action, but a Writ of *Annuity*. *Doctor and Student* (*Dial. 1. cap. 3.*) shews several differences

differences between a Rent, and an Annuity, whereof the first is, That every Rent, be it Rent-charge, Rent-service, or Rent-sock, is issuing out of Land; but an Annuity chargeth the person only, viz. The Grantor or his Heirs that have Aifers by descent. The second is, That for the recovery of an Annuity, no action lies, but only the Writ of Annuity against the Grantor, his Heirs, or Successors; but of a Rent, the same actions lie as do of Land, as the Case requires. The third difference is, That an Annuity is never taken for Aifers, because it is no Free-hold in Law, nor shall it be put in Execution upon a Statute Merchant, Statute Staple or Elegit, as a Rent may. *Dyer fol. 345. numb. 2. Coke on Littl. fol. 144. b.*

**Anoifance** *alias* **Nuisance** (Fr. Nuisance, i. Hurt or Offence) Hath a double signification, being used as well for any hurt done, either to a publick place, as High way, Bridge, or Common River; or to a private, by laying any thing that may breed infection, by incroaching, or such like means: As also, for the Writ that is brought upon this transgression; whereof see more in *Nuisance*. The word *Anoifance* I find *Anno 22 Hen. 8. cap. 5.*

**Ancote** (*LL. Will. 1. cap. 64.*) See *Scot and Lot*.

**Ansel weight.** See *Aunsel*.

**Apostata capiendo**, Is a Writ (now out of use) that lay against one, who having entred and professed some Order of Religion, brake out again and wandered the Countrey, contrary to the Rules of his Order. The form whereof, with other Circumstances, you shall find in the *Register of Writs*, fol. 71. & 267. And *Fitz. Nat. Br. fol. 232.*

**Apparator** (*Anno 21 Hen. 8. cap. 5.*) A Messenger that cites offenders to appear in the Spiritual Court, and serves the Process thereof.

**Apparlement** (of the Fr. *parcissement*, i. likewise, or in like manner) Signifies a resemblance, or likelihood; as *Apparlement of War*, mentioned in our Statutes.

**Apparura**, — *Omnes Carrucas, cum tota Apparura*. Plat. in *Itin. apud Cestriam*, 14 H. 7. Seems to signifie the furniture or apparel of the Plow. As we read, the tackle, apparel and furniture of a Ship. 22 & 23 Car. 2. Stat. to prevent the delivery up of Ships.

**Appeal** (Fr. *Appel*) Is as much as *accusatio* with the *Civilians*. For, as in the Civil Law, Cognizance of Criminal Causes, is taken either upon Inquisition, Denunciation, or Accusation; so in ours, upon *Indisment* or *Appeal*: *Indisment* comprehending both *Inquisition* and *Denunciation*; and *Accusation* or *Appeal* is a lawful Declaration of another Mans crime (which by *Bracton* must be Felony at least) before a competent Judge, by one that sets his name to the Declaration, and undertakes to prove it, upon the penalty that may ensue of the contrary. For the whole course of an *Appeal*, I must refer you to *Bracton*, lib. 3.

*tract. 2. cap. 18. Smith de Republ. Angl. lib. 3. cap. 3. Britton, cap. 22, 25. And to Stams. Pl. Coron. lib. 2. cap. 6, 7, &c.* An *Appeal* is commenced two ways, either by *Writ* or by *Bill*; *Appeal by Writ* is, when a Writ is purchased out of the *Chancery*, by one to another; to this end, that he Appeal a third of some Felony committed by him, finding Pledges that he shall do it, and deliver this Writ to the Sheriff to be recorded. *Appeal by Bill* is, when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner, offering to undergo the burden of Appealing the person therein named.

This point of our Law, among others, is drawn from the *Normans*, which appears plainly by the *Grand Customary*, cap. 68. Where there is set down a solemn Discourse, both of the effects of this *Appeal*, viz. The Order of the Combat, and of the Tryal by Inquest; which by our Law, is in the choice of the Defendant. See *New Book of Entries, verbo Appel. Book of Assizes, fol. 78. And 3 part. Inst. fol. 131.*

**Appeal of Maim**, Is an accusing of one that hath maimed another. But that being no Felony, the Appeal thereof is but in a manner an Action of *Trespass*; because there is nothing recorded but Damages. *Bracton* calls this *Appellum de Plagiis & Maimis*, and writes a whole Chapter of it, *Lib. 3. Tract. 2. cap. 24.* See *Coke*, Vol. 4. fol. 43. a. In King *John's* time, there is recorded an *Appeal* against a Jew, *Qui fecit cumentulari quendam nepotem suum.*

**Appeal of wrong Imprisonment**, Is used by *Bracton* for an Action of wrong Imprisonment, *Lib. 3. Tract. 2. cap. 25.*

**Appeal** (from *Appello*, to call, because *Appellans vocat eum in iudicium*, *Coke on Littl. lib. 2. cap. 11.*) Is divers times used in our Common Law, as in the Civil; which is for a removing of a Cause from an Inferior Judge to a Superior; as *Appeal to Rome*, *Anno 24 Hen. 8. cap. 12.* and *1 Eliz. cap. 1.* So *S. Paul* appealed from *Festus* to *Cesar*. But more commonly for the private accusation of a Murderer, by a Person who had interest in the party murdered, or of any Felon by one of his Complices in the Fact. See *Approver*, and see *Coke on Littl. fol. 287. b.*

**Appelloz or Appellant**, Is he, who hath committed some Felony, or other Crime, which he confesses, and now *Appeals*, that is, Accuses others who were complices with him. And those that are so appealed are called *Appealees*. *anno 28 Edw. 1. & 22 Car. 2. cap. 1.* See *Approver*.

**Appendant** (*appendens*). Is an Inheritance belonging to another that is more worthy; as *Accessorium principali* with the *Civilians*, or, *Adiunctum subiecto* with the *Logicians*. An Hospital may be *Appendant* to a Mannor, *Fitz. Nat. Br. fol. 142.* Common of Fishing *appendant* to a Freehold, *Westm. 2. c. 25. Anno 13 Edw. 1.* *Appendants* are ever by Prescription. See *Coke on Littl. fol. 121. b.*



**Appennage or Apennage**, (Fr.) The Portion of the Kings younger Children in France, a Childs part. They have in France a Fundamental Law, which they call the Law of *Apennages*, whereby the Kings younger Sons have Dutchies, Counties, or Baronies, granted to them, and their Heirs, or Heirs-males of their Bodies; the Reversion reserved to the Crown, and all Matters of Regality, as Coynage, Levying Taxes, and the like. It is derived *ab appendendo*, or from the German word *Avanage*, which signifies a Portion. See *Gerard du Heylan*, & *Spel. Glossar. in voce Appennagium*.

**Appertinances** (*pertinentia*) Are things both Corporeal, belonging to another thing, as to the more principal; as Hamlets to a chief Mannor, Common of Pasture, Turbary, Piscary, and such like; and Incorporeal, as Liberties, and Services of Tenants, *Brit. cap. 39*. Where it may be observed, That he accounts Common of Pasture, Turbary, and Piscary, to be things Corporeal. See *Common*.

**Apportionment** (*apportionamentum*) Is a dividing of a Rent into parts, according as the Land (whence the whole Rent issues) is divided among two or more. As if a Man have a Rent-service issuing out of Land, and he purchaseth part of the Land, the Rent shall be *apportioned*, according to the value of the Land. So if a Man let Lands for years, reserving Rent, and after a Stranger recovers part of the Land, the Rent shall be *apportioned*. But a Rent-charge cannot be *apportioned*, nor things that are entire; As if one hold Land by service, to pay to his Lord yearly at such a Feast, a Horse, or Rose; there, if the Lord purchase part of the Land, this service is totally extinct; because such things cannot be divided without hurt to the whole. Yet in some Cases a Rent-charge shall be *apportioned*, as if a Man hath a Rent-charge issuing out of Land, and his Father purchaseth part of the Land charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be *apportioned*, according to the value of the Land; because such portion of the Land, purchased by the Father, comes not to the Son by his own Act, but by descent and course of Law. Common Appendant is of common right, and severable; and though the Commoner, in such case, purchase parcel of the Land, wherein the Common is Appendant, yet the Common shall be *apportioned*. But in this case, Common Appurtenant, and not Appendant, by such Purchase, is extinct. *Coke lib. 8. fol. 79*.

**Apportum** — *Ita quod proficua Manerii prædicti nomine Apporti, quolibet anno præfato A. in subventionem sustentationis sue, solverentur*, &c. de Anno 22 Ed. 3. n. 72. *Line*. It seems to be deduced from the Fr. *apport*; which, besides the Common, signifies the revenue, gain, or profit, which a thing brings in to its owner. And in the place cited it is used for an Augmentation given to an Abbot, for his better sup-

port, out of the Profits of a Mannor.

**Appolal of Sheriffs**, Is the charging them with Money received, upon their account in the Exchequer, 22 & 23 Car. 2. *Act for better recovery of Fines due to His Majesty*.

**Appoler**. See *Forein Appofer*.

**Apprendre**, (Fr.) As Fee or Profit *Apprendre* (*Anno 2 & 3. Edw. 6. cap. 8*) Fee or Profit to be taken or received.

**Apprentice**, (Fr. *apprentis*, and that from *apprendre*, to learn, whence the Fr. *apprentissage*, and our *apprentishipp*) Is one that is bound by Covenant to serve a Tradesman or Artificer, a certain time (for the most part seven years) Upon condition, That the Master shall, during that time, instruct him in his Art or Myttery. Sir *Ihu. Smith* (in his *Rep. Angl. lib. 3. cap. 8.*) says, They are a kind of Bondmen, differing only, in that they are servants by Covenant, and for a time. Anciently, Benchers in the Inns of Court, were called *Apprentices of the Law*, in Latin, *Apprenticis Juris nobiliores*. As appears by Mr. *Seldens* Notes upon *Fortescu*, p. 3. So the learned *Plowden* stiled himself. Sir *Henry Finch* in his *Nomotechnia* writes himself *Apprentice del Ley*; and Sir *Edward Coke* in his 2 *Part. Instit. fol. 564*. says, *Apprenticis Legis*, in pleading, are called *Homines consiliarii*, & in *Lege periti*. And in another place, *Apprentices, and other Counsellors of Law*. See *Orig. Juridic. fol. 143. a.* and the *Stat. of Champerty*, 33 Ed. 1.

**Appropriation**, (*appropriatio*, from the Fr. *approprier*, i. *aptare*, *accommodare*) Signifies the severing a Benefice Ecclesiastical (which originally, and in nature is, *Jurii Divini*, & in *Patrimonio nullius*) to the proper and perpetual use of some Religious House, Bishoprick, College, &c. So called, because Parsons, not being ordinarily accounted (*Domini*) but *usufructuarii*, having no right of Fee-simple, are by reason of their perpetuity, accounted owners of the Fee-simple, and therefore called *Proprietarii*. Before the time of *Richard the 2d*, it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of *Appropriation* made in *Chancery*, it should expressly be contained, That the Diocesan of the place should provide a convenient sum of money to be yearly paid out of the Fruits, towards the sustentance of the Poor in that Parish; and that the Vicar should be well and sufficiently endowed, *Anno 15 Rich. 2. cap. 6*. See *The Poor Vicars Plea*. To make an *Appropriation* (after Licence obtained of the King in *Chancery*) the consent of the Diocesan, Patron, and Incumbent are necessary, if the Church be full; if it be void, the Diocesan and the Patron, upon the Kings Licence, may conclude it. *Plowden in Grendens Case, fol. 496*. To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute, and induct him: For that once done, the Benefice returns to the former nature, *Fitz. Nat.*

Nat. Br. 35. Coke lib. 7. fol. 13. and Camd. Brit. 161.

**Approbement** Anno 43 Eliz. cap. 11.) Is the same with *Improvement*; but it is more particularly used for the enclosing part of a Common by the Lord of the Mannor, leaving sufficient nevertheless for the Commoners.

**Approber** (*approbator*) Is one, that confessing felony committed by himself, appeals or accuses others to be guilty of the same; and is so called, because he must *prove* that which he hath alleged in his Appeal. This Proof is by Battle, or by the Country, at his election that appealed. The Form of this Accusation you may in part gather by *Crompt. Just. of Peace*, fol. 250. & 251. That it is done before the Coroner, either assigned to the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Commonwealth to do so. The *Approvers* Oath, when he begins the Combat, you may see in the last Page of *Crompton*, as also the Proclamation by the Herald. Of the antiquity of this Law, read at large *Bracton*, lib. 3. *Tract. 2. cap. 21. & 34. Stamf. Pl. Cor. lib. 2. cap. 52. cum seq. And 3 Part. Instit. fol. 129. See Prover.*

**Approvers of the King** (*Approbatores Regii*) Are those that have the letting of the Kings Demesnes in small Mannors, to his best advantage. Anno 51 H. 3. Stat. 5. And in the Statute of 1 Edw. 3. cap. 8. The Sheriffs did call themselves the *Kings Approvers*.

**Approve** (*approbare*) To augment, or (as it were) to examine to the utmost. For example, *To approve Land*, is to make the best benefit of it by increasing the Rent, &c. Anno 9 Hen. 6. cap. 10. Bailiffs of Lords in their Franchises, are called their Approvers; and by what follows, you may see what kind of Approvers or Improvers were formerly in the Marches of Wales, authorized by the Prince thereof. *Richard de Lyngesin Emprover desuth Commission nostre tre-dout Seigneur le Prince deins le Counte de Hereford, & le Marches adjoygnant, a toutes y ceux qui cestz Lettres verront ou orront, salut. Sachez moy aver grant a une Janin de Brompton loyal & leige home nostre Seigneur le Roy, & a ses servants, de vendre & acheter bests & berbez deins le Counte de Hereford, & le Marche adjoygnant sans empeschement ou arrest de nuluy, come loyal & leige hommes, a son propre use & encrese, sans refreshement des Rebels de Gales. Et cest ma Lettre serra son Garrant. En tesmoignage de quel chose a y ceste jay mise mon Seal. Don a Lemestre le xi jour de Julez le ann de Regne le Roy Henric le quart apres le Conquest, quart. — See 2 Part. Instit. fol. 472. — Quod nullus libere tenens infra Baroniam illam se appruira possit de vasto suo, &c.*

*Approvare* also occurs in old Records, as *approvare vastu*—and *vastu approvatu*.

**Approbeamentum**,—*cum omnibus approveamentis, & aliis pertinenciis suis*. Mon. Angl. 2. part. fol. 607. b. *Improvement*.

**Aquage** (*aquagium*, q. *aqua agium*, i. *aqua*

*ductus & aquagangium*, — *Nem liceat alicui de cetero facere dammas vel forðas aut alia impedimenta in aliquibus landen, watergangiu, fossatiis five aquagiis communibus in marisco pradiito. Ordinatio Marisci de Romney facta tempore Hen. 3. & Edw. 1. pag. 72. See Watergag.*

**Arbitrator** (*Lat.*) Is an extraordinary Judge or Commissioner in one or more Causes, between party and party, chosen by their mutual consents. This *Arbitrement* is either general, that is, including all Actions, Quarrels, and Demands, or Special, which is of one or more Matters, Facts, or Things specified. The *Civilians* Make a difference between *Arbiter* and *Arbitrator*: For though they both ground their power upon the compromise of the Parties, yet their liberty is divers. For *Arbiter* is tied to proceed and judge according to Law, with Equity intermingled; *Arbitrator* is permitted wholly to his own discretion, without solemnity of Process or Course of Judgment, to hear or determine the Controversie committed to him; so it be *juxta Arbitrium boni viri*. See *Alto & Bass*.

**Arbitrement**. See *Arbitrator*.

**Arca Cyrographica**, or *Cyrographorum Indrozum*, was a common Chest with three Locks and Keys kept by certain Christians and Jews, specially designed for that purpose, wherein all the Contracts, Morgages and Obligations belonging to the Jews were kept, to prevent fraud, and this by order of King Richard the first. *Hovedens Annals*, Parte poster. pag. 745.

**Arches Court**, (*Curia de Arcubus*) Is the chief and ancientest Consistory that belongs to the Archbishop of Canterbury, for debating Spiritual Causes; and is so called from *Bow Church* in London, (dedicated to the *Blessed Virgin*) where it was kept. And the Church is so called of the fashion of the Steeple or *Glozier* thereof, whose top is raised of Stone-pillars, built *Arch-wise*, like so many *Bent-Bows*.

The Judge of this Court is termed *The Dean of the Arches*, or *Official of the Arches Court*. *Dean of the Arches*, because with this Officialty is commonly joyned a peculiar Jurisdiction of Thirteen Parishes in London, termed a *Deanry*, being exempted from the Authority of the bishop of London, and belonging to the Archbishop of Canterbury, of which, the Parish of *Bow* is one, and the chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary, and extends it self through the whole Province of Canterbury. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the Appallee, and his Inhibition to the Judge, from whom the Appeal was made. Of this read more in *Historia de Antiq. Eccles. Britan.* And 4 Part. Instit. fol. 337.

**Archive** (*archivum*, from *arca*, a Press or Chest.) The Rolls, or a place wherein Ancient Records, Charters, and Evidences (that be-



long to the Crown and Kingdom) are kept; also the *Chancery* or *Exchequer Office*.

**Arereisement.**—To the great *Arereisement* and *Ettenysment* of the Common Law. Rot. Parl. 21. Ed. 3.

**Armandiz** or **Jus Armandiz.**—*Habent Principes plura Jura sive Regalia, ut sunt Armandiz, quod exponitur per aliquos esse jus faciendi fieri Arma; & per alios esse Litora quae sunt publica & Regalia, quod defensionem & protectionem, ut prohibeant ibi fieri quicquam, si usus Litoris publicus impediatur. M. S. vocat. Antiqua via Regia, penes Street, Servien. ad Legem.*

**Armes** (*arma*) In the understanding of Law, are extended to any thing that a Man wears for his defence, or takes into his hands, or useth in his wrath to cast at, or strike another. *Crompt. Just. of Peace, fol. 65, a. So Armorum appellatio, non ubique scuta & gladios, & galeas significat, sed & fustes & lapides.*

*Armes* are also what we call in Latin *Insignia*, *Ensignes* of Honor.

**Argentum album,** Mentioned in *Domesday*, signifies Bullion, or Silver uncoined, according to *Camden*: For in those days such passed from one to another in payment; *Sumitur pro ipso hoc metallo pensili, non signato, Spelm.*

**Argentum Dei.** Gods-penny, i. Earnest Money, or Money given in Earnest of a Bargain: In *Lincolnshire* called *Erles*, or *Arles*.—*Et cepit de predicto Henrico tres denarios de Argento Dei pra manibus. Cestr. 3 Edw 3. See Convention.*

**Arpen** or **Arpent** (*Fr.*) An Acre or Fur long or Ground, the most ordinary one, called *L'Arpent de France*, is One hundred Perches square, after Eighteen Foot to the Perch; some account it but half an Acre. This word is often found in *Domesday*, *Quatuor Arpeni vinea noviter plantata. Tit. Middlesex.*—*Septem acres terra & unum Arpentum quae me comingebant per Eshaietam. Ex Reg. Priorat. de Wormsley, fol. 7. b. where Arpen seems to be some quantity less than an Acre. Hence Arpentator is used for a Measurer of Lands.*

**Array** (an old *Fr.* word) signifies the ranking or setting forth a Jury or Enquest of Men, empannelled upon a Cause. 18 Hen. 6. 14. Hence the Verb to *Array* a Pannel. *An. 3. H. 5. cap. 5. and Old Nat. Br. fol. 157.* That is, to set forth the Men empannelled one by another. The *Array* shall be quashed, *ibidem*. By the Statute, every *Array* in *Affize* ought to be made four days before. *Brook, tit. Pannel. num. 10.* To challenge the *Array Kuchin, fol. 92.* See *Challenge*. To lead and conduct persons armed and arrayed, 14 Car. 2. cap. 3.

**Arraiatio Pedicium,** The arraying of Foot Souldiers. *Pat. 1 Ed. 2. p. 1. m. 3.*

**Arrayers** (*arraiatores*) Is used in the Statute, 12 Rich. 2. cap. 6. for such Officers, as had care of the Soldiers Armor and did see them duly accounted in their kinds. Such were the Commissioners of *Array*, appointed by King

Charles the First, in the year 1642. *Edw. Dei gratia Rex Anglia, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Occlethorp & Johanni de Fenton, electoribus & Arraiatoribus hominum in Wapentachio de Barkston, salutem. Cum ad repellendam Scotorum maliciam qui regnum nostrum hostiliter sunt ingressi, homicidium, depredationes, incendia & alia mala—citius perpetrando versus partes Marchiae Scotiae, &c. Inde Scoti cum toto posse suo ut pro certo didicimus propè civitatem nostram Karleoli ista die Martis se congregare proponunt, &c. Nos considerantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentagii tam milites quam alii, &c. I. me ipso apud North-Alverton xiii die Junii, Anno regni nostri primo.*

**Arraine** or **Arraigne** (From the French *Arranger*, i. to set a thing in order or in his place) hath the same signification in Law: For he is said to *Arraigne* a Writ of *Novel Disseisin*, who prepares and fits it for Tryal before the Justices of the Circuit, *Old Nat. Br. fol. 109. Littleton (pag. 78.)* useth the word in the same sense, viz. *The Lessee arraigneth an Assise of Novel Disseisin.* To *arraign* the *Assise*, is to cause the Tenant to be called, to make the Plaint, and to set the cause in such order, as the Tenant may be enforced to answer thereto, *Coke on Littl. fol. 262. b.* Also a Prisoner is said to be *arraigned*, when he is indicted and brought forth to his Tryal. *Arraigned* within the Verge upon Murder. *Stamf. Pl. Cor. fol. 150.* The manner of this *Arraignement* you may read in *Sir Thomas Smith de Rep. Angl. lib. 2. cap. 23.*—The Learned *Spelman* is of opinion, it should be written *Arrame*, from *arramare*, and that from the old French *arrainr*, i. *jurare, promittere, solemniter profiteri.*

**Arrearages** (From the *Fr. arriere, retro*) The remain or an Accompt, or a Sum of Money remaining in the hands of an Accomptant. It is sometimes used more generally for any Money unpaid at a due time; as *Arrearages* of Rent.

**Arrenatus**, Arraigned. *Stephanus Rabaz, Vic. Leic. arrenatus & ad rationem positus de hoc quod, &c. Rot. Parl. 21. Ed. 1.*

**Arrentation** (From the Span. *arrendare, q. ad certum redditum dimittens,*) *Ordin. Forestae, 34 Edw. 1. cap. 5.* Signifies the licencing an owner of Land in the Forest, to enclose them, (*Bassa haya & parvo fossato, i. with a low Hedge, and small Ditch;* which is according to the *Affize* of the Forest) under a Yearly Rent. *Saving of the Arrentations*, is a saving power to give such Licences for a Yearly Rent. Rents for Purprestures *arrented*, Anno 23 Car. 2. cap. 6.

**Arrest** (*Fr.* a stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed *pro* and *con*; as *Arrest du Senat. 1. Placitum Curiae.*) with us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice, and a Man stopped, staid, or apprehended for Debt,

Debt, &c. is said to be *Arrested*; which may be called *The beginning of Imprisonment*.

To move or plead in *Arrest* of Judgment, is to shew cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Enquest upon the former Issue, is to shew cause why an Enquest should not be taken, &c. *Brook, 1st. Repleader*. For preventing of *Arrests* of Judgments, see Statute, 16 & 17 Car. 2. cap. 8.

*Arrestandis bonis ne dissipentur*, Is a Writ which lies for him, whose Cattel or Goods are taken by another, who, during the controversy, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterward, *Register of Writs*, fol. 126.

*Arrestando ipsum, qui pecuniam recepit ad proficiendum in obsequium Regis*, &c. Is a Writ which lies for the apprehension of him that hath taken Prest-Money for the Kings Wars, and hides himself when he should go, *Register of Writs*, fol. 24. b.

*Arresto factio super bonis mercatorum alienigenorum*, &c. Is a Writ which lies for a Denizen, against the Goods of Strangers of any other Countrey, found within this Kingdom, in recompence of Goods taken from him in that Countrey, after he hath been denied restitution there. *Register of Writs*, fol. 129, a. This among the Ancient Civilians was called *Clarigatio*, now barbarously *Reprisalia*.

*Arretted*, (*arrestatur, quasi, ad reum vocatur*, That is couvened before a Judge, and charged with a crime. It is sometimes used for imputed or laid unto; as, no folly may be *arretted* to one under age. *Littleton*, cap. Remitter. Chaucer useth the Verb *Arrettedeth*, i. Layeth blame, as it is interpreted. *Bracton* says, *Ad reum habere Malefactorem*, i. To have the Malefactor forth coming, so as he may be charged and put to his Tryal, *Lib. 3. tract. 2. cap. 10*. And in another place, *Reatus de morte hominis*, charged with the death of a Man.

*Arrura*, — *Hoc Scriptum factum apud Sutton Courtenay*, 30 Die Dec. 4 Edw. 3. *Inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanlake & Johannam uxorem ejus ex altera, testatur quod idem Dominus Hugo, in excambium remisit — eisdem Ricardo & Johanna — omnimoda opera, viz. Arruras, Messones & Carriagia, & alia quacunque opera — Et ipsi non dabunt Dedere, &c. Penes Tho. Wollascote de Sutton predicti. Ar.* And in the black Book of Heref. I find *de operationibus Arrura*, which signifies days works of plowing; for of old Customary Tenants were bound to plow certain days for their Lord.

*Arrura*, *Auri vel argenti conflatio purgationis ergo vel examinis*. Where it is said in *Domesday*, *Reddit 50 l. ad Arruram*; it is meant of lawful and approved money; whose alloy was try'd by fire.

*Art and part*, Is a term used in Scotland and the North of England, when one is char-

ged with a Crime, they say, he was *Art and part* in committing the same; i. that he was both a Contriver and acted his part in it.

*Arthel*, (*An. 26 H. 8. cap. 6. — And that no person or persons shall hereafter, at any time, cast any thing into the Court within Wales, or in the Lordships Marches of the same, by the mean or name of an Arthel; by reason whereof the Court may be letted, disturbed, or discontinued for that time, upon pain of, &c.* Is a British word, and is more truly written *Arddelw*, which the South-wales men write *Arthel*, and signifies (according to Dr. Darius Dictionary) *Assipularis, Assere, Vindicare; Asseruo, Vindicatio; Anglice Abouch*. Example, *Welsh Dyn*, 'at llydau yn ei Law rhaid iddo geisio Arddelw cytreichlon, i fwyw ei lemdad oddiwrtho. i. If a man be taken with stolen Goods in his hands, he must be allowed a lawful *Arddelw* (Vouchee) to clear him of the Felony. Which is part of the Law of *Howel Dda*; but probably was so abused in Henry the Eighth's time, by the delay, or exemption of Felons, and other Criminals from Justice, that provision by this Statute was made against it. According to the Laws of *Howel Dda*; Every Tenant holding of any other than of the Prince or Lord of the Fee, paid a Fine *pro defensione Regia*, which was called *Arian Arthel*.

*Articles of the Clergy* (*Articuli Cleri*) Are certain Statutes made touching Persons and Causes Ecclesiastical. *Anno 9 Edw. 2. and Anno 14 Edw. 3. Stat. 3.*

*Arundinetum*, Ground or a place where Reeds grow. *1 Inst. fol. 4. b.*

*Affart*, (*Fr. Effarter*, To glade or make Glades in a Wood, to make Plain, to Grub up or clear a ground of Bushes, Shrubs, &c. and fit it for Tillage) Is (according to *Manwood*, cap. 9. num. 1.) an offence committed in the Forest, by plucking up those Woods by the Roots, which are Thickets, and Cover for the Deer, and by making them plain as Arable Land; which is the greatest Offence or Trespass that can be done in the Forest, to Vert or Venison, containing as much or more than *Waste*. For whereas *Waste* of the Forest, is but the Felling and Cutting down the Coverts, which may grow again: *Affart* is a Plucking them up, and Destroying them; which is confirmed out of the Red Book of the Exchequer, in these words, *Afforta vero occasiones nominantur; quando Foresta nemora vel Dumeta, pascuis & laibulis ferarum oportuna, succiduntur: Quibus succisis radicitus avulsis, terra subvertitur & excolitur*. And again out of *Register of Writs*, fol. 257. in the Writ *Ad quod Damnum*, sent out in case where a man sues for a Licence to *Affart* his Grounds in the Forest, and to make it several for Tillage. So that it is no offence, if done with Licence. To this *Bracton* may be added, (*Lib. 4. cap. 38.*) who saith, That these words *Boscus efficitur Affartum*, signifie as much as *Radatus ad culturam*. Of this you may read more in *Crompt. Jurisd.* fol. 203. and in



in *Charta de Foresta*, Anno 9 Hen. 3. cap. 4. where it is written *Affert*. And in *Manwood*, part 1. pag. 171. That which we call *Affertum*, is elsewhere termed *Duboscatio*. *Quicquid de Effertis* we find in a Charter of Privilege granted by Henry the first, to the Abbot of *Rames. Sec. 198.* And in *Pat. 18 Edw. 3. pag. 1. m. 19.* — *Et quibusdam Sartis, quas sartaverunt homines ipsius Ecclesie, &c.* And elsewhere, *Exsari*, occurs.

*Affart* was also anciently used for a parcel of Land *assarted*, as appears by this Charter of Roger Earl of Mortimer. *Sciatis, quod ego Rogerus de Mortuo mare Dedi Ad. Pistori pro servitio suo decem acras terra super Mughedone inter pratum quod fuit Petri Budelli & viam quam vadit per medium Mughedone. Dedi etiam eidem Ad. Duo Afarta en la Hope, quas appellantur Ordrichefruding & Aldicheruding, in quibus Afartis continentur quinque acra ad eandem mensuram tresdecem acrarum super Mughedone, &c.* *Hiis testibus, Ade Salvag. Walt. de novo Menu. &c. Penes Thom. Bridgewater, Gen.*

*Affart-Rents*, Were Rents paid to the Crown, for Forest Lands *assarted*, Stat. 22 Car. 2. cap. 6. *Affartments*. Rot. Parl. 51 Ed. 3. seems to be used in the same sense.

*Assault* (*assultus*) Is a violent kind of injury offered to a Mans person, of a higher nature than *Battery*; for it may be committed by offering a blow, or by a terrifying speech, (*Lamb. Eiren. lib. 1. cap. 3.*) As to rebuke a Collector with foul words, so that he departed for fear without doing his Office, was taken for an *Assault*. To strike a Man, though he were neither hurt nor hit with the blow, was adjudged the like. 22 Lib. Ass. Plea 60. For *Assault* does not always necessarily imply a hitting, or blow; because in *Trespass* for *Assault* and *Battery*, a Man may be found guilty of the *Assault*, and excused of the *Battery*, 25 Edw. 3. cap. 24. The Feudists define it thus, *Assultus est impetus in personam aut locum, sine hoc pedibus fiat, vel equo aut machinis aut quacunque alia re assiliatur.* *Talies de Feud. pag. 10. num. 38.*

*Assach* or *Assath* (*Sen. 1. H. 3. cap. 6.*) Was a strange kind of Purgation used of old in *Wales*, by the Oaths of 300 Men. For so I find it explicated in an ancient M. S. *Assach est un Jur. de 300 homes in Gales*, and is now abrogated.

*Assay of Weights and Measures* (From the Fr. *Essay*, i. a proof of tryal) Is the examination used by the Clerk of the Market. *Register of Writs, fol. 279.* — *Ac Assiam & Assiam panis, vini & Cervisie.* *Pat. 37 Hen. 8. Tno. Marrow.*

*Assayer of the King* (*Assasiator Regis, Fr. assayer*) Is an Officer of the Mint for the due tryal of silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for exchange. Anno 2 Hen. 6. cap. 12. Vessels of Gold shall be assayed. Anno 28 Edw. 1. cap. 20. and 18 Car. 2. cap. 5. *Mandatum est.* Will. Hardel,

*Clerico, quod convocatis in presentia sua omnibus monetariis, Assasiatoribus, custodibus, operariis in aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum provideat, quod tot & tales operarii sint in predictis Cambiis, qui sufficiant ad operationes regias faciendas, ne Rex pro defectu hujusmodi ministrorum dampnum incurrat.* T. apud Woodroke, 10 Junii, Claus. Hen. 3. m. 8.

*Assembly unlawful*, Is the meeting of three or more persons to do an unlawful act, though they do it not. *Lamb. Eiren. lib. 1. cap. 19.* See *Unlawful Assembly*.

*Assessor* (*Fleta lib. cap. 15. useth it quasi, Ordinator, Collocator, Dispositor.*) We now use it for him that Assesses Publick Taxes; as two Inhabitants in every Parish were *Assessors* for the Royal *Ayd*, that is, rated every person according to the proportion of his Estate. An. 16 & 17 Car. 2. cap. 1. Also an Officer in the Presbyterian Assemblies.

*Assets* (Fr. *Asses, i. satis*) Signifies Goods *enow* to discharge that burden, which is cast upon the Executor or Heir, in satisfying the Testators or Ancestors Debts, or Legacies. In *Brook, titulo, Assets per descent*, you shall find, That whoever charges another with *Assets*, charges him with having enough descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, *Assets per descent*, and *Assets enter mains*.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his hands: But if the Heir alien the Lands, before the Bond be put in suit, he is discharged. *Assets enter mains*, is, when a Man dies indebted, leaving to his Executors sufficient to discharge his Debts and Legacies; that is *Assets in their hands*.

*Assewiare*, To dreyn water from Marsh-grounds. — *quod ipsi Mariscum predictum Assewiare, & secundum legem Marisci, Wallis includere & in culturam redigere.* — *Et Mariscum illum sic Assewiatum, inclusum & in culturam redactum tenere.* Mon. Angl. 2 Vol. fol. 334.

*Assign* (*assignare*) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, *Briton* (fol. 122.) saith, This word was first brought into use in favor of Bastards; because they cannot pass under the name of Heirs, were therefore comprised under that of *Assignes*. The other special, as to point at, or set forth, viz. To *Assign Error*, is to shew in what part of the Process Error is committed. To *assign false Judgment*, is to declare how and where the Judgment is unjust. To *assign a false Verdict*. *Old Nat. Brev. fol. 17, 19, & 112.* To *assign Waste*, is to shew, wherein especially the Waste is committed. *Register of Writs, fol. 72.* *Assign* in the general signification is used, Anno 20 Edw. 1. and 11 Hen. 6. cap. 2. in these words, *Justices assigned to take Assises.* And the Substantive *Assignment* hath the same signification; as the *Assignment* of a Lease, is the

the setting over, or transferring the Lessee's interest to another.

**Assignee.** Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by *Deed*, or in *Law*. *Assignee by Deed*, is when a Lessee of a term, sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law*, is he whom the Law so makes, without any appointment of the person; as an Executor is the *Assignee in Law* to the Testator, who dies possessed of a Lease made to him and his *Assigns*. Perkins (*tit. Grants*) says, an *Assignee* is he that possesses, or enjoys a thing in his own right; and *Deputy*, is he that does it in the right of another.

**Assignment of Dower.** See *Establishment of Dower*.

**Affise**, is derived from the French *Affis*, i. *affissum*, *locatum*, *definitum*) and is diversly used. Littleton, *Cha. Rents*, says it is *Aquivocum*, and sets down three significations of it. One, as it is taken for a Writ, another as it is used for a Jury, the third for an Ordinance. i. *Affise* is a Writ directed to the Sheriff for Recovery of Possession of things immovable, whereof your self, or Ancestors have been disseised; and this is as well of things corporeal, as incorporeal Rights, being of four sorts, viz.

**Affise of Novel Disseisin** (*Affisa nova Disseisina*) Lies where a Tenant in Fee-simple, Fee-tail, or for Life, is lately disseised of his Lands or Tenements, Rent-service, Rent-seck, or Rent-charge, Common of Pasture, Common-way, &c. and divers other such like, of which you may read Glanville, lib. 10. cap. 2. Bracton, lib. 4. traç. 1. Britton, cap. 70. Reg. of Writs, fol. 197. Fitz. Nat. Br. fol. 177. Westm. 2. cap. 25. And to this may aptly be added, the Bill of *Fresh force*, which is directed to the Officers or Magistrates of Cities or Towns-Corporate, being a kind of *Affise*, for Recovery of Possession in such places, within forty days after the force, as the ordinary *Affise* is in the County, Fitz. Nat. Br. fol. 7.

*A tut ceus ke cest escrit oirunt ou verrunt Reynande de Ginges salut. Come Hawise de Veere moy empleda devant Justices en le oyer de Chelmsford par un Brief de Novel disseisin de un chemin ke io avoy estoppee ou luy & ses tenants de son Maner de Dunham soleient & deveient aleer, karrier & chascier seersus le Marchee de Raylee, sans nul disturbance en un chemin kest appellee Martinlane ke se essent de le meason Ade Martin deskes au chemin kest appellee Gurnsheden. Jo pur moy & mes beires voila & graunt a lavantid Hawise & a ses beires & a ses avantidits tenants de Dunham kil cent le avantidit chemin sauns nul disturbance de moy ou de mes beires a tuts jours a aleer chaceer & karrier sicome est avantidit. En tesmoiance de cest chose Jo lure ay donne ma lettre patente enselee de mon seale devant Sire William de Lamburne, Nicolas de Barenton, &c.*

*donne a Chelmsford le Meskredy prochains avans le Feste St. Simon & St. Jude, le an trespisme du regne le Roy Edward. Penes Will. Andrew Barons. Dom. Manerii de Dunham, alias Downham.*

**Affise of Mort d'Ancestor** (*affisa mortis antecessoris*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Land, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abares: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see Bracton, lib. 4. traç. 3. per totum. Britton, cap. 70. Fitz. Nat. Br. fol. 114. Reg. of Writs, fol. 223.

**Affise of darrein presentment** (*affisa ultima presentationis*) Lies where I or my Ancestor have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how otherwise this Writ is used. See Bracton, lib. 4. traç. 2. Register of Writs, fol. 30. Fitz. Nat. Br. fol. 195.

**Affise de utrum** (*Affisa utrum*) Lies for a Parson against a Lay-man, or a Lay-man against a Parson, for Land or Tenement doubtful, Whether it be Lay-fee, or Free-alm. And of this see Bracton, lib. 4. traç. 5. cap. 1. & seq. Britton, cap. 95. The reason why these Writs are called *Affises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtains by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the Norman Law, the time and place must be known forty days before the Justices sit on them: And by our Law there must be likewise fifteen days of preparation, except they be tried in the standing Courts at Westminster, as appears by Fitz. Nat. Br. fol. 177. d. c. Lastly, They may be called *Affises*, because they are tried most commonly by especial Courts, set and appointed for the purpose, as may be well proved, not only out of the Customary of Normandy, but our Books also: Which shew, That in ancient Times Justices were appointed by special Commission, to dispatch Controversies of Possession, one or more, in this or that only County, as occasion fell out, or Disseisins were offered, and that as well in Term time, as out of Term: Whereas of later days, we see that all these Commissions of *Affises*, of Eyr, of Oyer and Terminer, of Goal delivery, and of Nisi prius, are dispatched all at one time, by two several Circuits in the year, out of term, and by such as have the greatest sway of Justice, being all of them the Kings Justices of either Bench, Barons of the Exchequer, or Serjeants at Law.

*Affise*, In the second signification, according to Littleton, is used for a Jury. For (to use his own example) it is set down in the beginning of the Record of an *Affise* of Novel Disseisin, *Affisa venit recognitura*, which is as much as to say, *Jurators veniunt recognituri*. He gives this reason why the Jury is called an



*Affise*; Because, by Writ of *Affise*, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c. Videre Tenementum illud, & nomina eorum imbrevari, & quod summoncat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as if he should have spoken shorter) *Metonymia effecti*. For they are called the *Affises*, because they are summoned by virtue of the Writ so termed. And yet the Jury summoned upon a Writ of Right, is likewise called the *Affise*, as himself there confesseth. Which Writ of Right is not an *Affise*; but this may be said to be *per extensionem*, or abusively so termed. *Affise* in this signification is divided, in *magnam* & *parvam*. *Glanville*, lib. 2. cap. 6, & 7, &c. and *Britton*, cap. 12. Where it appears, wherein the *Great Affise* differs from the *Petit Affise*. The former four kinds of *Affises* used in *Actions* only *Possessory*, are called *Petit Affises*, in respect of the *Grand Affise*. For the Law of Fees is grounded upon two Rights: One of Possession, the other of Property. And as the *Grand Affise* serves for the Right of Property; so the *Petit Affise* serves for the Right of Possession. *Horns Mirror of Justices*, lib. 2. cap. De Novel *Disseisin*.

*Affise* in the third signification, according to *Littleton*, is an Ordinance or Statute of *Affise*; as the Statute of *Bread and Ale* made Anno 31 Hen. 3. is termed the *Affise of Bread and Ale* (*Affisa panis & cervisie*) Reg. of Writs, fol. 279. b.

*Affise of the Forest* (*Affisa de Foresta*) is a Statute or Condition, touching Orders to be observed in the Kings Forest. *Manwood*, part. 1. pag. 35. *Crompton* in the Court of Justices of the Forest, per totum, fol. 146. & seq. And *Affise of the King*, Anno 18 Edw. 1. Stat. 1. called, *The Statute for view of Frank-Pledge*. These are called *Affises*, because they set down and appoint a certain measure, rate, or order in the things they concern. Of *Affise*, in this signification, *Glanville* also speaks, Lib. 9. cap. 10. in fine. *Generaliter verum est quod de quolibet placito quod in comitatu deducitur & terminatur, misericordia, qua inde provenit, vicescomiti debetur: Quae quanta sit, per nullam affisam generaliter determinatum est.* Thus *Littleton's* Division.

But in other Law-Writers we find this word (*Affise*) more diversely used, than this Author hath noted. For it is sometime used for the measure or quantity it self, (and that per *Metonymiam effecti*) because it is the very scantline described or commanded by the Ordinance: For example, we say, When Wheat, &c. is of this price, then the Bread, &c. shall be of this *Affise*. This word is further taken, for the whole Process in Court upon the Writ of *Affise*, or for some part thereof, as the Issue or Verdict of the Jury For Example, *Affises of Novel Disseisin*, &c. shall not be taken, but in their Shires, and after this manner, &c. *Mag. Char.* cap. 12. And so it seems to signify, *Westm.* 2.

cap. 25. in these words, *Let the Disseisor allege no false exceptions, whereby the taking of the Affises may be deferred, &c.* And Anno 1 Hen. 6. cap. 4. *Affises awarded by default of the Tenants, &c.* Lastly, By *Merton*, cap. 4. An. 20 Hen. 3. certified by the *Affise*; quit by the *Affise*, &c. And in this signification *Glanville* calls it *Magnam Affisam domini Regis: quae ex duodecim ad minus legalium hominum Sacramentis consistit*, L. 2. c. 7. *Bracton* uses it in like sort, as, *Affisa cadit in transgressionem, & Affisa cadit in perambulationem*, Lib. 4. c. 30, 31. *Fleta* defines an *Affise*, in this signification, thus, *Affisa in jure possessoria, est quaedam recognitio duodecim hominum juratorum, per quam Justiciarii certiorantur de articulis in brevi contentis.* And *Affise* also, thus signifying, is said sometime in *modum jurata*; In manner of an *Affise*, when only the *Disseisin* in question, is put to the tryal of the Twelve; In manner of a Jury, when any exception is objected to disable the interest of the *Disseisee*, and is put to be tryed by the Twelve, before the *Affise* can pass.

*Affise*, is further taken for the Court, Place, or Time, when and where the Writs and Processes of the *Affise* are handled or taken: And in this signification *Affise* is general; as when the Justices go their several Circuits, with their Commission, to take all *Affises* twice in the year, that is called *The General Affise*. It may likewise, in this signification, be *special*; as if an especial Commission be granted to certain persons (as was often done in ancient time, *Bracton*, lib. 3. cap. 11.) for taking an *Affise* upon one *Disseisin* or two; this would be called a *Special Affise*. And in this very signification *Glanville* uses it, Lib. 9. cap. 17. See *Cok.* 4 Inst. fol. 158.

Concerning the *General Affise*, in the most usual signification, thus the Learned Sir Fr. Bacon.

**A**Ll the Counties of this Realm (says he) are divided into six Circuits, and two Learned Men are assigned by the Kings Commission to every Circuit, who ride twice a year through those Shires allotted to that Circuit; these we call Justices or Judges of *Affise*, who have five several Commissions by which they sit.

The first is, of Oyer and Terminer directed to them, and many others of the best account in their Circuits. But in this Commission the Judges of *Affise* are of the Quorum; so as without them, there can be no proceeding. This Commission gives them power to deal with Treasons, Murders, and all manner of Felonies and Misdemeanors; and in their largest Commission.

The second is of Goal Delivery, and that only to the Judges themselves, and the Clerk of the *Affise* Associate; by this Commission they are to deal with every Prisoner in Goal, for what offence soever he be there.

The third Commission is directed to themselves only, and the Clerk of *Affise*, to take *Affises*, by which they are called Justices of *Affise*: and the Office

Office of these Justices, is to do right upon Writs called Assise, brought before them by such as are wrongfully thrust out of their Lands.

The fourth is to take Nisi Prius, directed to none but the Judges themselves, and their Clerks of Assises; by which they are called Justices of Nisi Prius.

The fifth is a Commission of Peace in every County of their Circuit. And all the Justices of Peace, having no lawful impediment, are bound to be present at the Assises, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon him at their pleasure and discretions. The Sheriff of every Shire is also to attend in person, or by a sufficient Deputy, allowed by the Judges, who may Fine him, if he fail, &c. See more in Sir Fr. Bacon's Use of the Law, fol. 13. usque 21.

This excellent Constitution of the Judges Circuits and Assises, was begun by Hen. 2d. anno 1176. though somewhat different from what they now are.

**Assisa Continuanda**, Is a Writ directed to the Justices assigned to take an Assise, for the continuance of the Cause, in case where certain Records alleged, cannot in time be procured by the party that would use them, Reg. of Writs, fol. 217.

**Assisa Proxoganda**, Is a Writ directed to the Justices of Assise, for stay of proceeding, by reason of the Kings business, wherein the party is employed, Reg. of Writs, fol. 208, & 221.

**Assisores**, (assiores) sunt qui Assisas condunt, aut taxationes imponunt. Spelman. In Scotland (according to Skene) they are the same with our Jurors, and their Oath is this.

Alle thal leil swith say.  
And na swith conceal, far nathing we may,  
So far as we are charg'd upon this Assise,  
We God himself, & be our part of Paradise,  
And as we will answer to God, upon  
The dreadful day of Dome.  
*See Skene. lib. 2.*

**Association** (associatio) Is a Patent sent by the King (either of his own motion, or at the Suit of the Plaintiff) to Justices appointed to take Assises of Novel Disseisin, or of Oyer and Terminer, &c. to take others unto them, as Fellows and Collegues in that affair. The examples, and sundry uses hereof, you may find in Fitz. Nat. Br. fol. 185. & 111. But more particularly in Reg. of Writs, fol. 201, 206, 223.

**Affoile** (absolvere) Signifies to deliver, pardon, or set free from an Excommunication. Stamf. Pl. Cor. fol. 72. to this effect;—otherwise the Defendant should remain in Prison, till the Plaintiff were affoiled; that is, delivered from his Excommunication. So in Hen. 4. cap. 10. Mention being made of King Edward the Third, it is added, Whom God affoil.

Henric. Duc. de Lancastre, Count de Leicester, de Derby & de Nisole, Senescal Dengleterre, A tous ceux que ceste endenture verront ou or-

ront salut en Dieu, Come nostre chere & bien ame cousin John de Blount est en nostre mein renduz seiffaunte acres de terre ou les appartenances en Salsford en nostre Duchee de Lancastre les quels il avoit a luy & a ses Heirs du don & Feofment nostre tres honore Seigneur & pere, que Dieu assoile, &c. Dat. 30 Edw. 3. penes Wal. Kirkham Blount Bar.

**Assumpsit** (from assumo) Is a voluntary promise made by word, whereby a man assumes or takes upon him to pay or perform any thing to another. This word comprehends any verbal promise made upon consideration, which the Civilians express diversly, according to the nature of the promise, calling it sometimes Pactum, sometimes Promissionem, Pollicitationem, or Constitutum.

**Astrarius hares** (from Afire, the Harth of a Chimney) dicitur ille cui antecessor in vita sua (per cartam) hereditatem restituit. 1 Inst. fol. 8. b.

**Atribilthet** or **Atrilthet**. (Sax.) Hi qui pacem Regis habent, vel manu vel brevi, ei fideles existant—Qui si nintu confidens in pace quam habet, per superbiam alicui forisfecerit, damnum restituere & iterum tantundem, quod Angli vocant Atribilthet. LL. divi Edwardi, cap. 30. See Hoveden, pag. 606.

**Atia**. See *Odio & Atia*.

**At large**. See *Verdict at large*. Littl. fol. 98. To vouch at large, Old Nat. Br. fol. 108. To make title at large. Kitchin, fol. 68. See Bar.

**Attache**, (attachiare. From the Fr. attacker, i. figere, necere, alligare) Signifies to take or apprehend by Commandment or Writ. Lamb. (in his Eiren. lib. 1. cap. 16) makes this difference between an Arrest and an Attachment, that an Arrest proceeds out of an Inferior Court by Precept, and an Attachment out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath these formal words, Duci facias, &c. And a Writ of Attachment these, Precipimus tibi quod attachies talem & habeas eum coram nobis, &c. Whereby it appears, that he, who Arrests, carries the party Arrested to another higher person to be disposed of forthwith; he that attacheth, keeps the party attached, and presents him in Court at the day assigned in the Attachment. Yet an Attachment sometimes issues out of a Court Baron, which is an Inferior Court, Kitchin, fol. 79. There is another difference, in that an Arrest lies only upon the Body of a Man, and an Attachment sometimes on his Goods; which makes it in that particular differ from a Capias, in being more general: For, a Man may be attached by an hundred Sheep (Kitchin, fol. 263.) but the Capias takes hold of the Body only. See Skene, Verbo, Attachiamendum.

**Attachment by Writ**, differs from a Distress or Distringas, in this, That an Attachment reacheth not to Lands, as a Distress doth, and that a Distress toucheth not the Body (if it be properly taken) as an Attachment doth, yet are they divers times confounded, as may appear by Glanvil, lib. 10. cap. 3. and Fleta, lib. 2. cap.



cap. 66. Howbeit, in the most common use, an *Attachment* is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A *Distress*, without a Writ, is the taking of a Mans Goods for some real Cause, as Rent, Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of *Trespas* against him that distrained him. See *Distress*.

*Attachment out of the Chancery*, is had of course, upon an *Affidavit* made; That the Defendant was served with a *Subpœna*, and appears not, or issueth upon not performing some Order or Decree. After the return of this *Attachment* by the Sheriff. *Quod non est inventus in Baliva sua*—Another *Attachment with Proclamation* issues out against him; and if he appears not thereupon, then a *Writ of Rebellion*. West. part. 2. *Symbol, tit. Proceedings in Chancery.*

*Attachment of Privilege*, Is by vertue of a Mans Priviledge, to call another to that Court, whereto he himself belongs; and in respect whereof he is priviledged, to answer some Action. *New Book of Entries*. Verbo, *Priviledge*, fol. 431.

*Forain Attachment*, Is an Attachment of Goods or Money, found within a Liberty or City, to satisfy some Creditor of his within such City or Liberty. And, by the Custom of some places, as *London*, &c. a man may attach Money or Goods in the hands of a Stranger, whilest he is within their Liberty. As if *A* owes *B* 10 l. and *C* owns *A* 10 l. *B* may attach this 10 l. in the hands of *C*, to satisfy himself for the Debt due from *A*. See *Calibrops Reports*, pag. 66.

There is likewise an *Attachment of the Forest*, which is one of the Three Courts there held; the lowest is called the *Attachment*; the mean, *Swainmote*; the highest, the Justice in *Eyre seat*. This Court of *Attachment* seems to be so called, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next *Justice Seat*. *Manwood*, part. 1. pag. 93. And this *Attaching* is by three means, By Goods and Chattels; by Body, Pledges, and Mainprize; or by the Body only. The Court is kept every Forty days throughout the year. See *Crompton* in his *Court of the Forest*. The diversity of *Attachments* you may see in *Register of Writs*, under the word *Attachamentum*, in *Indice*.

*Attaint (attinza)* As it is a Substantive, is used for a Writ, that lies after Judgment, against a Jury, that hath given a false Verdict in any Court of Record (be the Action Real or Personal) if the Debt or Damages surmount the sum of 40. s. What the Form of the Writ is, and how in use, is expressed in *Fitz. Nat. Br.* fol. 105. and *New Book of Entries* fol. 84. The reason why it is so called, is because the party that obtains it, endeavors thereby to touch or stain the Jury with Perjury, by whose

Verdict he is grieved: And if the Verdict be found false, then the Judgment anciently was, That the Jurors Meadows should be ploughed up, their Houses broke down, their Woods grubbed up, and all their Lands and Tenements forfeited to the King: But if it pass against him that brought the *Attaint*, he shall be imprisoned and grievously ransomed at the Kings Will. See *Glanville*, lib. 2. cap. 19. *Smith de Repub. Angl.* lib. 3. cap. 2. 11 Hen. 7. cap. 21 & 23 Hen. 8. cap. 3. In what diversity of Cases this Writ is brought, see *Reg. of Writs in Indice*. It was anciently called *de Breve Convictione*. See *Coke on Lit.* fol. 294. b.

*Attainted (attindus)* is used particularly for such as are found guilty of some crime or offence, and especially of Felony or Treason. Yet a man is said to be *attainted* of Disseisin. *Westm.* 1. cap. 24, & 36. And so it is taken in *French*, as *Estre attaint & veynu en aucun case*, i. to be cast in any Case. *Britton*, fol. 75. uses the Participle *Attaint*, in the sence we say *attained unto*. A man is *attainted* by two means, by Appearance, or by Process. *Stamf. Pl. Cor.* fol. 44. *Attainder* by Appearance is by Confession: by Battle, or by Verdict. *Confession* (whereof *Attains* grows) is twofold; one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked *guilty or not guilty*, answers *guilty*, never putting himself upon the Jury; the other is, before the Coroner in Sanctuary, where he upon his Confession, was, in former times constrained to abjure the Realm, which kind also, of the effect, is called *Attainder by Abjuration*, *Stamf.* fol. 182. *Attainder by Battle*, is when the party appealed by another, and chusing to try the truth by Combat, rather than by Jury, is vanquished. *Attainder by Verdict*, is when the Prisoner at the Bar, answering *not guilty* to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict, pronounced *guilty*, *Idem*, f. 108, & 192. *Attainder by Process*, otherwise called *Attainder by Default*, or *Attainder by Outlawry*, is where a party flies, or doth not appear, until he hath been five times called publicly in the County Court, and at last upon his default pronounced or returned *Outlawed*. The same Author (fol. 108) makes a difference between *Attainder* and *Conviction*; with whom agrees the Statute, *Anno 34 & 35 H. 8. cap. 14.* and *An. 1 Ed. 6. cap. 12.* in these words, *That then every such Offender, being duly thereof convicted or attainted by the Laws of this Realm, &c.* And I find by *Stamf.* (Pl. Cor. fol. 66.) That a Man by our ancient Laws, was said to be *convicted* presently upon the Verdict (*guilty*) but not to be *attainted*, until it appeared he was no Clerk, or being a Clerk, and demanded by his Ordinary, could not purge himself. And in one word it appears, That *Attainder* is larger then *Conviction*; *Conviction* being only by the Jury: And *Attainder* is not before Judgment. *Perkins, Grants*, num. 27, 29. Yet it appears by *Stamf.* fol. 9. that *Conviction* is sometimes

sometimes called *Attainder*: For there he says, the Verdict of the Jury does either acquit or *attaint* a Man. And so it is, *Westm. 1. cap. 14.* This ancient Law touching the Conviction and Purgation of Clerks is altered by *23 Eliz. cap. 2.* as you may read in *Clergy*. See *Indited*.

**Attainder** (*attinēda* and *attinētura*) Is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a person *attainted* of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his posterity are made base and ignoble: This corruption of Blood cannot be salved, but by Act of Parliament. See *Attainted*, and *Felony*.

**Attaniarius.** See *Pelf*.

**Attendant** (*a tendens*) Signifies one that owes a duty or Service to another, or depends on him. For example, there is *Lord, Mesne, and Tenant*, the *Tenant* holds of the *Mesne* by a peny, the *Mesne* holds over by two pence: The *Mesne* releases to the *Tenant* all the right he hath in the Land, and the *Tenant* dies; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third part of the peny, and not of the third part of the two pence. For she shall be endowed of the best Possession of her Husband. And, where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the Heir at his full age. *Kitchin, fol. 209.* With whom *Perkins in Dower, 424.*

**Atterming.** — Also such as will purchase atterming of their Debts shall be sent into the Exchequer. *Ordinatio de libertatibus perquirendis. Anno 27 Edw. 1.* It comes from the Fr. *Attermoye, i.* That he hath a term or time granted for the payment of a debt. So in this Statute, it seems, to signify the Purchasing or gaining a longer time for payment of a debt. *Atterming quarentes usque in proximum Parliamentum, Westm. 2. cap. 24.*

**Attorney** (*attornatus*) Is he that is appointed by another Man to do any thing in his stead; as much as *Procurator* or *Syndicus* in the Civil Law. *Wt* defines them thus, *Attorneys* are such persons as by the Consent, Commandment, or Request of others, see to, and take upon them the charge of their business, *part. 1. Symbol. lib. 2. sect. 559.* In ancient time, those of Authority in Courts, had it in their power, whether to suffer men to appear, or sue by another than themselves, as is evident by *Fitz. Nat. Br. fol. 25.* in the Writ *Dedimus potestatem de Attornato faciendo*, where it is shewed, That Men were driven to procure the Kings Writs or Letters Patent to appoint *Attorneys* for them; but it is since provided by Statutes, that it should be lawful so to do, without any such circuit, as appears by *20 Hen. 3. cap. 10 — 6 Edw. 1. c. 8 — 27 ejusdem, Stat. 2. — 12 Edw. 2. cap. 1. — 15 ejusdem, cap. unico. — 7 Rich. 2. cap. 14. — 7 Hen. 4. cap. 13. — 3 Hen. 5. cap. 2. — 15 Hen. 6. cap. 7. and 17 Hen. 7. cap. 2.* And you may see great diversity of Writs in the

Table of the *Register*, wherein the King by his Writ commands the Judges to admit of *Attorneys*; whereby there grew at last so many unskillful *Attorneys*, and so many mischiefs by them; that for restraining them, it was enacted (*4 Hen. 4. cap. 18.*) that the Justices should examine them, and displace the unskillful. And again, (*33 Hen. 6. cap. 7.*) that there should be but a certain number of them in *Norfolk* and *Suffolk*. In what cases a Man at this day may have an *Attorney*, and in what not, see *Fitz. ubi supra*.

**Attorney** is either general, or special. *Attorney General* is he, who by general Authority is appointed to manage all our Affairs or Suits; As the *Attorney General of the King*, which is as much as *Procurator Caesaris* was in the Roman Empire, *Attorney General of the Duke, Cromp. Juris. fol. 105.* *Attorney Special* or *Particular*, is he that is employed in one or more causes particularly specified; of whom you may read more at large in *Glanvile, lib. 13. cap. 1. and Briton, cap. 126.* There are also, in respect of the divers Courts, *Attorneys at large*, and *Attorneys special*, belonging to this, or that Court only. The name is borrowed of the Normans, as appears by the *Customary, cap. 65.* Our old Latine word for it, seems to be *Responsalis. Bracton, lib. 4. cap. 31.*

**Attorney of the Court of the Duchy of Lancaster** (*Attornatus Curia Ducatus Lancastrie*) Is the second Officer in that Court, and seems, for his skill in Law, to be there placed as *Assessor* to the Chancellor of that Court; being for the most part some Honorable Person, and chosen rather for some especial trust, reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of Rome, in the choice of their Magistrates.

**Attournment** (from the Fr. *Tourner, i. vertere*) Is an acknowledgment of the Tenant to a new Lord. As when one is Tenant for Life, and he in Reversion grants his right to another, it is necessary the Tenant for Life agree thereto, which is called *Attournment*, without which nothing passeth by the Grant. But if the Grant be by Fine in Court of Record, he shall be compelled to *Attourn*. *Stat. 27 Hen. 8. cap. 16.* The words used in *Attournment* are these, *I agree me to the Grant made to you*, or (more commonly) *Sir, I attourn to you by force of the same Grant*; or, *I become your Tenant*, or deliver to the Grantee a peny by way of *Attournment*. *Little, lib. 3. cap. Attournment*, where you may find divers other Cases, where to *Attournment* appertains, and that it is the transposing of those Duties, which the Tenant owed his former Lord, to another, as his Lord. *Attournment* is either by word, or by act, voluntary or compulsory, by the Writ *Per quod servitus*, (*Old Nat. Br. fol. 155.*) or sometimes by Distress. *Fitz. Nat. Br. fol. 147.* It may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol. 70.* There is *Attournment in Deed*, and *Attournment in Law*. *Coke, vol. 6. fol.*



6. fol. 113. *a.* *Attournment in Law* is an Act, which though it be no express *Attournment*, yet in intendment of Law, it is of equal force. *Coke on Littl. fol. 309.*

*Attournato faciendo vel recipiendo*, Is a Writ, which a man owing Sute to a County, Hundred, or other Court, and desiring to make an *Attorney* to appear for him there (whom he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his *Attorney*, and Admit his appearance by him. The form and other Circumstances whereof, See in *Fitz. Nat. Br. 156.*

*Avage or Avilage*, Is a Rent or Payment which every Tenant of the Mannor of *Writtel* in *Essex*, upon *St. Leonards day*, 6 *Novemb.* pays to the Lord, *viz.* for every Pig under a year old *ob*; for every yearling Pig 1 *d.*, and for every Hog above a year old 2 *d.*, for the privilege of *Pawnage* in the Lords Woods.

*Audience Court* (*Curia Audientia Cantuariensis*) Is a Court belonging to the Archbishop of *Canterbury*, of equal Authority with the *Archies*, though inferiour, both in Dignity, and Antiquity, and is held in the Archbishops Palace. Of which, you may read more in a Book entituled, *De Aiquitate Ecclesie Britannica Historia*, and 4 *Inst. fol. 337.*

*Audiendo & terminando*, Is a Writ, or rather a Commission directed to certain persons, when any Insurrection or great Misdemeanour is committed in any place; for the appeasing and punishment thereof, of which, you may read at large in *Fitz. Nat. Br. fol. 110.* See *Oyer and Terminer.*

*Audita querela*, Is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognisance in the nature of a Statute Staple, or a Judgment or Recognisance of another, and craving, or having obtained execution of the same from the Major and Bailiffs, before whom, it was entred; at the complaint of the party who entred the same, upon suggestion of some just cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of *England* (upon view of the Exception suggested) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County, where the Creditor is, for his appearance at a certain day before them. See more in *Old Nat. Br. fol. 66.* and *Fitz. Nat. Br. fol. 102.*

*Auditor* (Lat.) Is an Officer of the King, or some other great personage, who yearly, by examining the Accompts of all under Officers accountable, makes up a general Book; which shews the difference between their Receipts or Charge, and their Allowances, commonly called *Allocations*. As namely, the *Auditors* of the *Exchequer* take the Accompts of those Receivers, who receive the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors, and Customers. Of which, see the Statute 33 *Hen. 8. c. 93.* and 4 *part. Inst. fol. 106.*

*Auditor of the Prests or Imprests*, Are also Officers in the *Exchequer*, who take and make up the great Accompts of *Ireland*, *Berwick*, the Mint, and of Money imprested to any Man for His Majesties service. See *Præfise of the Exchequer, p. 83.*

*Auditor of the Receipts*, Is an Officer of the *Exchequer* who Files the Tellers Bills, and makes an Entry of them, and gives in every week to the Lord Treasurer, a Certificate of the Money received. He makes also *Debentures* to every Teller, before they pay any Money, and takes their Accompts. See 4 *part. Instit. fol. 107.*

*Adventure* (*reñis adventure*) Is a mischance, causing the death of a Man, without Felony; as when he is suddenly drowned or burnt, by any mischance or mischance, falling into the Water or Fire. *Britton, cap. 7.* where you may read how it differs from *Misadventure*, which see.

*Avenage* (Fr.) A certain quantity of Oats paid to a Land-lord in lieu of some other duties, or as a Rent from the Tenant.

*Avenor* (*Avenarius* from the Fr. *avene*, *i.* Oats) Is an Officer of the Kings, who provides Oats for his Stable; and is mentioned *Anno 13 Car. 2. cap. 8. Omnis enim liberatio quorumcunque, five Accipitrarium, five falconarium, five Avenarium, ad eum (Sc. Constabularii Angliæ) officium spectat, si præsens fuerit, nisi forte Dominus Rex ad idem aliquem prius assignaverit.* *Blundel. Petitionum in Turri London. Anno 10 Edw. 1. In Rot. Parl. 21 Ed. 3.* There is also mention of the *Avenors* of the King, Queen and Prince.

*Avera* (*quasi overa, à Gal. overre, & ouvrage, velus operagium*) In *Domesday*, *Grensbriðhe. Rex Fordham, sed tamen semper inveniat Averam vel 8 d. in Servitio Regis.* That is, a days work of a Plough, or 8 *d.* 4 *Inst. fol. 269.*

*Average* (*averagium*, from *Averia*, *i.* Cattle) Signifies Service which the Tenant owes the King, or other Lord, by Horse or Ox, or by Carriage with either; For in ancient Charters of Priviledges, we find *Quietum esse de Averagiis.* Others probably derive it from the French, *cuvrage* or *cuvre*, *i.* opus. In the Register of the Abby of *Peterborough* (in *Bibl. Cotton.*) it is thus explicated, *Averagium, hoc est quod Nativi deberent ex antiqua servitute ducere bladum annuatim per unum diem de Pillesgate apud Burgum, vel cariare turbas de marisco ad Maner. de Pillesgate cum carellis & equis suis.* *Anno 32 H. 8. cap. 14. and 1 Jac. cap. 32.* It is used for a Contribution that Merchants and others, do proportionably make towards their losses, who have their goods cast into the sea for the safeguard of the Ship, or of the Goods and lives of them in the Ship, in time of a Tempest. And this Contribution seems to be so called, because it is proportioned after the rate of every mans *Average*, or Goods carried. In this last sence, it is also used in the Statute 14 *Car. 2. cap. 27.*

*Average*, Is also a little Duty, which those Merchants,

Merchants, who send Goods in another Mans Ship, do pay to the Master of it, for his care of them, over and above the Freight; for in Bills of Lading it is expressed—*Pay so much Freight for the said Goods, with Prime and Average accustomed.*

**Avertoyn,** Is such Corn, as by Custom is brought by the Tenements Carts or Carriages to the Lords Granary or Barn. The word occurs in *Iboms Cron.* fol. 1912. col. 2. and elsewhere.

**Avertis captis in Withernam,** Is a Writ for taking Cattle to his use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be Replevied. *Reg. of Writs,* fol. 82. When mention is made of one Beast, we say, *Quidam equus, vel quidam bos;* when of two or more, we do not say *Equi* or *Boves*, but *ovis acria.*

**Averland**—Item *Cellarius libere solebat capere omnia sterquilina ad suum opus in omni vico, nisi ante officia eorum qui habebant Averland.* Mon. Angl. r. par. fol. 302. a. It seems to have been such Land as the Tenants did Plow and manure, cum *avcriis suis*, for the proper use of a Monastery or Lord of the Soil: quod autem nunc vocatur *Averland*, fuit terra rusticorum, ibid. which was subject to *Averages*, or the Lords Carriages.

**Averment** (*verificatio*) From the Fr. *Averer*, i. *verificare, testari*. Signifies commonly an offer of the Defendant, to make good or justify an Exception pleaded in Abatement or Bar of the Plaintiffs Action; and it signifies the Act, as well as the offer of justifying the Exception. For, *Anno 34 Edw. 1. Stat. 1.* The Demandant will offer to aver by the Affise or Jury, &c. In the English Nat. Br. fol. 57. These Errors shall be tried by Averment, &c. And in 15 Hen. 6. cap. 1. The Defendants shall have their Averment, to say, that, &c. Averment is twofold, viz. general and particular; a general Averment, which is the conclusion of every Plea to the Writ, or in Bar of Replications, or other Pleadings (for Counts, or Avowries in nature of Counts, need not be averred) containing matter Affirmative, ought to be averred, with an *hoc paratus est verificare*, &c. Particular Averment, is when the life of Tenant for Life, or Tenant in Tail is averred, &c. And an Averment contains as well the Matter as the Form thereof, *Coke on Littl.* fol. 362. b.

**Averpeny** (*quasi average-peny*) Is Money contributed towards the Kings *Averages*, or Money given to be freed thereof. *Rastala Exposition of Words.* Averpeny, hoc est, quietum esse de diversis Denariis pro *averagiis* Domini Regis. From the Kings Carriages, cum *averis*, 1 Inst. fol. 35. —*haberet 3 Averpeni*, scil. pro singulis virginitatibus acria duos denarios. Monast. Angl. fol. 302. a.

**Augmentation** (*augmentatio*) Was the name of a Court, erected 27 Hen. 8. to the end the King might be justly dealt with, touching the profit of such Religious Houses and

their Lands, as were given him by Act of Parliament the same year, nor Printed. For, the dissolving which Court, there was authority given Queen Mary, by the Parliament held the first of her Reign, *Seff. 2. Ca. 10.* Which she afterwards put in Execution by Her Letters Patent. The Court took name from this, That the Revenue of the Crown was thought to be much augmented by the suppression of the said Houses, many of which the King reserved to the Crown.

**Avilage.** See *Avage.*

**Aulneger.** See *Almager.*

**Aumone,** (Fr. *aumône*, i. an Alms) Tenure in *Aumone*, is a Tenure by Divine Service; so says *Britton*, fol. 164. As when Lands or Tenements are given in Alms, to some Church or Religious House, with Condition, that some Service or Prayers shall be offered at certain times, for the good and quiet of the Donors Souls, or otherwise. See *Frank Almoin.*

**Aumonier** (Fr. *Aumoniaire*.) See *Almoner.*

**Auncel-Weight** (*quasi Hand sale weight*, or from *Ausa*, i. The handle of the Ballance) Is a kind of Weight with Scales hanging, or Hooks fastned at each end of a Beam or Staff, which a Man lifted up upon his fore-finger or hand, and so discerned the equality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden 23 Edw. 3. Stat. 5. cap. 9. 34 *Ejusdem*, cap. 5. and 8 Hen. 6. cap. 5. And the Even Ballance only commanded; notwithstanding it is still used in some parts of England; and by some judged to be Meat fold by poyling in the hand, without putting it into the Ballance. By a Constitution made by Henry Chicheley, Archbishop of Canterbury, Anno 1430. Pro abolitione ponderis vocati *le Auncel weight*, seu *Scheft*, seu *Pownder*, &c. (*Dulcis quodam statere genere*) qui utitur Excommunicandus.

**Auncient Demain.** See *Ancient Demain.*

**Avoidance** hath two significations; the one when a Benefice becomes void of an Incumbent; the other, when we say in Pleadings in Chancery, confessed or avoided, traversed, or denied, &c. See *Voidance.*

**Avowe** (*advocatus*) *Britton* (cap. 29.) saith, That *Avowed* is he to whom the right of *Advowson* of any Church Appertains; so that he may present thereto in his own name. And is called *Avowd*, for a difference from those that sometime present in another Mans name, as a Guardian that presents in the name of his Ward; and for a difference also from those who have the Land, whereto an *Advowson* appertains, but only for term of their lives, or of years, by Intrusion or Discein. See *Advowd.*

**Avowry** (Fr. *Advouerie*) Is where one takes a Distress for Rent, or other thing, and the other sues *Replevin*, then the taker shall justify in his Plea for what cause he took it; and if he took it in his own right, he ought to shew that



that, and so *avow* the taking, which is called his *Avowry*. But if he took it in the right of another, then, when he was shewed the Cause, he shall make Conufance of the taking, as Bailiff or Servant to him in whose right he did it. *Terms of the Law. Anno 21 Hen. 8. cap. 19.* For the more speedy and effectual proceeding upon Distresses and Avowries for Rents, see the *Stat. 17. Car. 2. cap. 7.*

**Avoir du Poids** (Fr. *avoir du poids*, i. *Habere pondus, aut iusti esse pondus*) Signifies, First, a kind of weight different from that which is called *Troy-weight*, containing but Twelve ounces to the pound, whereas this hath Sixteen. And in this respect it is (probably) so called, because it is of more weight than the other. 2. It signifies such Merchandises as are weighed by this weight, and not by *Troy-weight*, as in the Statute of *York, 9 Edw. 3. in Proem. 27 Edw. 3. Stat. 2. cap. 10. and 2 Rich. 2. cap. 1. See Weights.*

**Aurum Reginz.** Rot. Pat. anno 52 Hen. 3. m. 26. See *Queen-Gold.*

**Aufurcus** and **Ofurcus**, A Goshawk's whence we usually call a *Faulkoner*, who keeps that kind of Hawks, an *Ostringer*. Some ancient Deeds have reserved *Unum Aufurcum*, as a Rent to the Lord.

**Await** (13 Rich. 2. cap. 1. It is Ordained, That no Charter of Pardon from thenceforth shall be allowed before any Justice for Murder or for the death of a Man, slain by Await, Assault, or Malice prepensed, Treason, or Rape of a Woman, unless the same be Specified in the Charter, &c.) Seems to signify that which we now call *Way-laying*, or lying in *Wait*.

**Award** (from the Fr. *agarder*) *Proprie est Judicium ejus, qui nec a lege nec a Judice, datur, ad dirimendam litem, sed ab ipsis litigantibus eligitur.* Is the judgment of him, who is chosen by two or more parties at variance, to determine the Controversie between them. *Distum, quod ad custodiendum seu observandum paribus imponitur. Spel.*

**Awme**, (Teut. *Wym* i. *cadus, vel mensura*) 1 *Fac. cap. 33. and 12 Car. 2. cap. 4.* A Measure of Rhenish-wine, containing forty Gallons: Yet I find in a very old Printed Book thus — The Hood of Rhenish-wine of Dordrecht is ten Awames, and every Awame is fifty Gallons. Item, the Hood of Antwerp is xiiij Awames, and every Awame is xxxv Gallons.

**Auxilium ad filium militem faciendum & filiam maritandam**, Was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable *Aid*, towards the Knighting his Son, and the Marriage of his eldest Daughter. See *Aid. Fitz. Nat. Br. fol. 82. and an. 12 Car. 2. cap. 24.*

**Auxilium Vicecomiti**, A payment or aid anciently due out of some Manors to the Sheriff: For the Mannor of *Stretton* in *Warwickshire*, was freed from this payment by Charter, 14 H. 3. m. 4.

**Auxionarii** — *Dicunt etiam quod in domibus illis apud Sheles sunt manentes Piftores & Bractatores, Auxionarii & Auxionatrices Paris & Cervicia & aliorum rerum, &c.* *Pla. Parl. 18 Ed. 1.* Properly Brokers, but here it seems to be used for Retailers of Bread and Ale.

*Ayd. See Aid.*

## B.

**Bachelor** (*bachalaureus*) Fr. *Bachelier*, i. *tyro.*) Whence I gather, those, that are called *Bachelors* of the Companies in London, are such of each Company as are springing towards the estate of those that are employed in Council, but as yet are Inferiours. For every Company of the Twelve, consists of a Master, two Wardens, the Livery, (which are Assistants in Matters of Council, or at the least, such as the Assistants are chosen out of) and the *Bachelors*, who are yet but in expectation of Dignity among them, and have their Function only in attendance upon the Master and Wardens.

*Bachelor*, was anciently attributed to the Lord Admiral of England, if he were under a Baron. This word is used, anno 13 Rich. 2. Stat. 2. cap. 1. and signifies as much as *Knight-Bachelor* does, 3 *Edw. 4. cap. 5.* that is, a *Simple Knight*, not a *Knight Banneret*, or *Knight of the Bath*. Anno 28 Edw. 3. We find a Petition recorded in the Tower, beginning thus, *A nostre Seigneur le Roy monstrement votre Simple Bachelor, Johan de Bures, &c.*

Sachez nous Roger de Mortimer Seigneur de Wygemore avoir donne & grante a nostre cbier Bachelier, Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la garde du Corps Gilbert Filz & heir Sir Johan de Lacy, ensemblement avec le mariage mesmes celui Gilbert deyns age estant en nostre garde; &c. Donne a Penbrugge l'an du regne le Roy Edward Filz le Roy Edward unyme. Yet *Camb. in his Brit. fol. 176.* makes a question whether these *Bachelors* were not of a middle degree between *Simple Knights* and *Esquires*. In *Pat. 8 Rich. 2. par 11 m. 4.* *Johannes de Clanvou* is stiled *Bacalarius Regis*. See *Baneret*.

**Backberend** (Sax. Signifies bearing upon the back, or about a Man; (*rem furto sublatam dorso ferens*) *Bracton* uses it for a sign or circumstance of manifest theft, (called by the *Cipilians, Furtum manifestum*) which he defines thus, *Ubi latro deprehensus est seiscitus de aliquo latrocinio, sc. Bandhabend or Backberend, & insecutus fuerit per aliquem cujus res illa fuerit, Lib. 3. tra. 2. cap. 32.* *Manwood* (2 *pa. For. Laws*) Notes it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Assise of the Forest of *Lancaster* (says he) taken with the manner, is, when one is found in the Kings Forest in any of these four degrees, *Stable Stand, Dogdraw,*

*draw, Back-bear, and Bloody-hand.* Which see in their proper places.

**Badger** (from the Fr. *Bagagier*, i. A Carrier of Luggage) Signifies with us one that buys Corn or Victuals in one place, and carries it to another, to make profit by it. See *Crompton's Just. of Peace*, fol. 69, 70.

**Bagabel**, *Edw. 1.* by his Charter granted to the Citizens of Exeter, a Collection of a certain Tribute upon all manner of Wares brought to that City to be sold, towards the paving the Streets, repairing the Walls, and maintenance of the City, commonly called in old English, **Bagabel**, **Bethugabel**, and **Chipping-gabel**. *Antiq. of Exeter.*

**Bail** (from the Fr. noun *Bail*, i. A Guardian or Goaler) Is properly used for the freeing or setting at liberty one arrested or imprisoned upon Action, either Civil or Criminal, under surety taken for his Appearance at a day and place certain. *Bracton. lib. 3. tract. 2. cap. 8. num. 8, & 9.* The reason why it is called **Bail**, is, Because by this means the party Restrained, is *delivered* into the hands of those that bind themselves for his forth-coming. There is both *common* and *special* **Bail**; *Common* **Bail** is in Actions of small prejudice or concernment, being called *Common*, because any Sureties in that case, are taken; whereas in Causes of greater weight, as Actions upon Bond or Specialty, *Special* **Bail** or Surety must be taken, as Subsidy Men at least, and they according to the value. *Manwood*, in his first part of *Forest Laws*, pag. 167. says, there is a great diversity between *Bail* and *Mainprise*: For he that is *Mainprised*, is always said to be at large, and to go at his own liberty out of Ward, from the time he is *Mainprised*, till the day of his appearance: But otherwise it is, where a Man is let to *Bail* by four or two Men, by the Lord Chief Justice in *Eyre*, until a certain day; for there he is always accounted by the Law, to be in their Ward, and Custody for the time: And they may, if they will, keep him in Ward or Prison. So that he, who is so *bailed*, shall not be said by the Law, to be at large, or at his own liberty. See *Lamb. Eiren. lib. 3. cap. 2. pag. 330.* **Bail** is also a certain Limit within the Forest, as it is divided into the charges of several Foresters, *Crompton* in the Oath of *Bow-bearer*, fol. 201. See *Mainprise*, and 4 *Instit. fol. 178.*

**Bailiff** (*Balivus*) As the name, so the Office it self in ancient time was answerable to that of *France*, where there are Eight Parliaments, which are high Courts, whence lies no Appeal; and within the Precincts of those several parts of that Kingdom, which belong to each Parliament, there are several Provinces to which Justice is ministered by certain Officers called *Bailiffs*. So in *England* we see many several Counties, in which, Justice hath been ministered to the Inhabitants by the Officer, whom we now call *Sheriff* or *Vicount* (the one name descending from the *Saxons*, the other from the *Normans*.) And though I cannot ex-

pressly prove, That the *Sheriff* was ever called a *Bailiff*, yet it is probable that was one of his names also; because the County is often called *Baliva*, a *Bailiwick*. As namely, in the Return of a Writ, *Non est inventus in Balivis mea, &c. Kitchin Returna Brevium*, fol. 285. And in the *Sheriff's Oath*, the County is called his *Bailiwick*. I think the word *Bailiff* used in *Magna Chart. cap. 28.* and 14 *Edw. 3. Stat. 1. cap. 9.* compriseth as well *Sheriffs* as *Bailiffs* of Hundreds, who were anciently called *Styffmans*.

But as the Realm is divided into Counties; so every County is again divided into Hundreds; within which, it is manifest, that in ancient time the Kings Subjects had Justice ministered to them by the several Officers of every Hundred, which were called *Bailiffs*, as those Officers do in *France* and *Normandy*, being chief Officers of Justice, within every Province. *Grand Customary of Norm. cap. 1.* And it appears by *Bracton* (*lib. 3. tract. 2. cap. 34. num. 5.*) that *Bailiffs* of Hundreds might hold Plea of Appeal and Approvers. But since that time these Hundred Courts (certain Franchises excepted) are by the said Statute of 14 *Edw. 3.* swallowed into the County Courts, as you may read in *County* and *Hundred*. And now the *Bailiff's* name and Office is grown into such contempt, at least these *Bailiffs* of Hundreds, that they are now but bare Messengers and Mandataries within their Liberties, to serve Writs, and such vile Offices; for which see *Crompt. Just. of Peace*, fol. 49. *a.* Yet is the name otherwise still in good esteem; for the Chief Magistrates in divers Corporate Towns, are called *Bailiffs*, as of *Ludlow*, *Leominster*, &c. And again, there are certain persons to whom the Kings Castles are committed, who are called *Bailiffs*, as the *Bailiff* of *Dover Castle*.

These ordinary *Bailiffs* are of two sorts, *Bailiffs Errant*, and *Bailiffs of Franchises*. *Bailiffs Errant* (*Balivi Linerantes*) as those whom the Sheriff appoints to go up and down the County to serve Writs, Summon the County, Sessions, Assises, and such like. *Bailiffs of Franchises* (*Balivi Franchefiarum aut Libertatum*) are those who are appointed by every Lord within his Liberty, to do such Offices therein, as the *Bailiff Errant* does at large in the County. Of these read *Sir Tho. Smith de Repub. Angl. lib. 2. cap. 16.* There are also *Bailiffs of the Forest* (*Manwood, part. 1. pag. 113.*) and *Bailiffs of Husbandry*, belonging to private Men of good Estates, whose Function is well known.

The Office or Duty of a *Bailiff* of a Manor, or Household (which in ancient time seems to have been all one.) *Fleta* well describes, *Lib. 2. cap. 72, & 73.* The word *Balivus* is derived from *Baal*, i. *Dominus*; quia *Balivi Dominum suum subditis, quasi eorum Magistri & Domini.*

**Bailiff** of a Commote (in *Wales* *Balivus Commoti*) seems to have some power of Judicature



cature within the Precincts of the Commote. For thus we read in *Stat. Wallia*, *Balivi autem Commotorum de cetero teneant Commotos suos, & iusticiam faciant & expectent inter litigantes.*

**Bailiff of the Moot.** See *Moot*.

**Bale** (Fr.) A Pack, or a certain quantity of Merchandise; as a Bale of Spicery, of Books or Thred: I find the word in the Statute 16 Rich. 2. cap. 1. and still in use. And *Ballet* (Fr.) a little Pack.

**Balenger**, Seems to have been a kind of Barge, or Water-vessel, by the Statute 28 H. 6. cap. 5.

**Baleuga**, A Territory or Precinct, — *cum tali libertate, quod per totam Baleugam possit capere foris factum suum.* Carta Hen. 2. Recorded in the Dutchy Office. See *Bannum & Banleuca*.

**Balistarius**, A Balister or Cross-bow man. *Gerrard de la Warr* is recorded to have been *Balistarius Domini Regis*, &c. 28 & 29 Hen. 3. n. 25.

**Baliva**. Statute of *Malbridge*, 32 Hen. 3. cap. 2. — *Ubi Balivam habes vel jurisdictionem.* Here *Baliva* is well expounded by the Statute it self; for in this place it signifies Jurisdiction. *Cokes 2 Inst. fol. 105.*

**Balivo amovendo**, Is a Writ to remove a Bailiff out of his Office, for want of sufficient living within his *Bailiwick*. *Reg. of Writs*, fol. 78.

**Balkers or Balors**. See *Conders*.

**Ban** or **Bang** (*Bannum*) from the British *Ban*, i. *Clamor*, Is a Proclamation or publick notice given of any thing; any publick Summons or Edict. This word *Bans* we use in publishing Matrimonial Contracts in the Church, before Marriage, to the end, If any Man can speak against the intention of the parties, either in respect of Kindred, Pre-contract, or otherwise, they may take their Exception in time. And in the Canon Law, *Bannus* sunt Proclamationes sponsi & sponse in Ecclesia fieri solent. Yet our word *Banning* seems to come thence, being an Exclamation or Cursing. *Bracton* mentions *Bannus Regis*, for a Proclamation, or Silence made by the Court, before the Congress of the Champions in a Combat, *Lib. 3. tract. 2. cap. 21.* — *In terra sua ditionis Banamus, i. interdictum misit, quod est prohibere ut nullus for vel tatro esset.* *Gr. Hist. Norm. edit. Anno 1169. fol. 89. ls. di.*

**Bant**, (from the Sax. *bana*, A Killer or Murderer) signifies the destruction or overthrow of any thing; As *Built be the Bant* of him, is a common saying: And he who was the cause of another Mans drowning, is said to be *Labant*, i. *Malefactor*. *Bracton*, l. 2. tract. 2. cap. 1. *ad m. 1.*

**Baneret**, (*Baneretus*, *Eques vexillarius*, or *Miles vexilliferus*) Is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it a *Bannum*, according to *Sir Tho. Smith* in his *Repub. Angl.* Others add, That Blood must be first drawn in

the Field. They are allowed to display their Arms in a *Baner* in the Kings Army, as *Barons* do. *Camden* in his *Britan.* fol. 109. hath these words, *Baneretti*, cum *Vassalorum* nomen jam defierat, a *Baronibus* secundi erant; quibus inditum nomen a *Vexillo*, Concessum illis erat *Militaris* virtutis ergo quadrato vexillo (perinde ac *Barones*) uti, unde & *Equites Vexillarii* a nonnullis vocantur, &c. Some maintain a *Baneret* ought not to be made in a Civil War, but I find in *Sir Richard Bakers Chron.* fol. 260. That *Henry* the Seventh made divers *Banerets* upon the *Cornish* Commotion, in the year 1495. Of creating these Knights, read *Seagar-Norrey* his Book, *Lib. 2. cap. 10.* and *Seldens Titles of Honor*, fol. 799. That they are next to *Barons* in Dignity, appears by the Statute 14 Rich. 2. c. 11. and 3 Rich. 2. Stat. 2. cap. 4. They were anciently called by Summons to Parliament. And we find, a *Baneret*, for Praying a Pardon for a Murderer contrary to the Statute, is subject to the same punishment with a *Baron*, 13 Rich. 2. Stat. 2. cap. 1. *Will. de la Pole* was created *Baneret* by *Edward* the Third, by Letters Patent, *Anno Regni sui* 13. *Membr. 13.* Those *Banerets*, who are Created *sub Vexillo Regis*, in *exercitu Regali*, in aperto bello, & ipso Rege personaliter presente, explicatis, take place of *Baronets*; as appears by the Letters Patent for Creation of *Baronets*. See *Cokes 4 Inst. fol. 6.*

**Bank**, (Lat. *Bancus*, Fr. *Banque*) Hath two significations; the first (and that most noble) is a Seat or Bench of Judgment, as *Bank le Roy*, the Kings Bench, *Bank de Common Pleas*, the Bench of Common Pleas, or the Common Bench, called also in Latin, *Bancus Regius* & *Bancus Communium Placitorum*. The second is a Bank, where a great sum of Money is let out to use, returned by Exchange, or otherwise disposed to profit. *Jus Banci*, or the Privilege of the Bench, was anciently allowed only to the Kings Judges. *Quis summam administrationis iustitiam*; for Inferior Courts, such as Court Barons, and Hundred Courts, were not allowed that Privilege; Since, at this day, the Hundred Court at *Freibridge* in *Norfolk*, is held under an Oak at *Geywood*; and the Court for the Hundred of *Woolsey* in *Herefordshire*, is held under an Oak near *Astton* in that County, which is called, *The Hundred Oak*. See *Free-Bench*.

**Banker** (Fr. *Banquier*) is best interpreted by the words of a late Act of Parliament, *Whereas several persons, being Goldsmiths and others, by taking or borrowing great sums of money, and lending out the same again, for extraordinary use and profit, have gained and acquired to themselves the reputation and name of Bankers.* *Ann. 22 & 23 Car. 2.*

**Bankrupt** (*quasi Bancus ruptus*) Because when the Bank or Stock is broken or exhausted, the Owner is said to be a Bankrupt, *Anno 34 Hen. 8. cap. 4.* and 1 Jac. 15. He is thus described.

**A**ll and every such person and persons using, or that shall use the Trade of Merchandise, by way of Bargaining, Exchange, Barter, Chevisance, or otherwise in Grose, or by seeking his, her, or their Trade of Living by Buying and Selling, and being a Subject born of this Realm, or any the Kings Dominions, or Denizen, who at any time since the First day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his other House or Houses, or otherwise, to absent him or herself, or take Sanctuary, or suffer him or herself willingly to be arrested for any Debt or other thing, not grown or due, for Money delivered, Wares sold, or any other just or lawful cause, or good consideration or purposes; or hath or will suffer him or herself to be outlawed, or yield him or herself to prison; or willingly, or fraudulently hath, or shall procure him or herself to be arrested, or his or Goods, Money, or Chattels to be attached, or sequestered, or depart from his or her Dwelling-house, or make or cause to be made any Fraudulent Grant, or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defeated or delayed for the recovery of their just and true Debts; or being Arrested for Debts, shall, after his or her Arrest, lie in Prison Six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debts, and lie in Prison Six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

But by Act 14 Car. 2. cap. 23. it is provided, That no person whatsoever, who shall adventure in the East-India, or Guinea Company, or in the Royal Fish Trade, shall be esteemed a Merchant or Trader within any Statute for Bankrupts, or liable to the same.

**Bannitus**, An Outlaw, or banished man, *Vobis precipimus, quod eidem Cancellario ad insequend. vestros, & expend. dictos malefactoris & Bannitus, Sec. Pat. 15 Ed. 3. pars. 3. dors. 2.*

**Bannum & Banleuga**, A Territory, Precinct, or the continent within the utmost Bound of a Manor or Town; so it is used 47 Hen. 3. Rot. 44. *Carta Canoni Regis Coenobio Thorneiz: Notum facio, me & successoribus nostram Christo concessisse & omnibus Sanctis suis — viz. primo terram & omnia & tenementa & que ibi tenent, ubi Bannum nostrum cessat.*

*Bannus de Arundel* is used for all, comprehended within the Limits or Land adjoining, and so belonging to the Castle or Town. *Seld. Hist. of Tithes, pag. 75.*

**Banishment** (Fr. *Bannissement*) Hath a known signification; but there are two kinds of it, one voluntary and upon Oath, whereof you may read Abjuration; the other upon compulsion for some Offence or Crime; as if a Lay-man succor him, who, having taken Sanctuary for an Offence, obstinately refuses to ab-

jure the Realm, he shall lose his life, if a Clerk do so, he shall be banished. *Statut. Pl. Cor. fol. 117.*

**Barrator**. See *Barrator*.

**Barbican** (*Barbicanum*) A Watch-Tower, Bulwark, or Breck-work. *Mandatum est Johanni de Kilmington Custodi Castri Regi & Honori de Pickering, quoddam Barbicanum ante portam Castri Regis prae dicti muro lapideo, & in eodem Barbicano quendam portam cum ponte versatili, &c. de novo facere, &c. T. Rege, 10. Aug. Claus. 17 Edw. 2. m. 39.*

**Barbicanage** (*barbicanagium*) Money given to the maintenance of a Barbican, or Watch-Tower. *Causa 17 Ed. 3. m. 6. n. 14.*

**Bastaria** or **Bastarium**, (from the Fr. *Bastier*) A Sheep-coat, and sometimes a Sheep-walk: *M. S. de Placit. Ed. 3. See Bastaria & Bastary.*

**Bard** alias **Beard**. See *Clack*.

**Bargain and Sale**, Is properly a Contract made of Mannors, Lands, and other things, transferring the property thereof from the Bargainer to the Bargainee, which ought to be in consideration of Money; it is a good Contract for Land, &c. and the Fee passeth, though it be not said in the Deed (To have and to hold, to him and his Heirs, and though there be no Divery and Seisin given by the Vendor, so it be by Deed indented, sealed, and enrolled, either in the County where the Land lies, or in one of the Kings Courts of Record at Westminster, within six months after the date of the Deed. 27 Hen. 8. cap. 16. Such Bargain and Sale may also be made by Lease and Release, without Divery or Enrolment.

**Barthmaffer**. See *Borghmaffer*.

**Bartharp** (*bartharia, zorticula*) A Tin-house, Heath-house, or House to keep Bark in. *New Book of Entries, tit. Assise corp. Publi. 2.*

**Barillum**, A Barrel. — *Et propter hanc donationem prae dictus Thomas dedit mihi unum Barillum vini, &c. Carta Hen. de Oilli, tempore Hen. 2. See Barrel.*

**Baron** (*baro*) Hath divers significations. First it is a degree of Nobility next a Viscount. *Bracton (Lib. 1. cap. 8. Num. 4.)* Says, *Sunt & illi Potentes sub Rege, qui dicuntur Barones, quasi, robur belli.* In which signification it agrees with other Nations, where *Barones* are as much as *Provinciae*. So as *Barons* are such as have the Government of Provinces, as their Fee holden of the King, some having greater, some lesser authority within their Territories. Yet it is probable, that of old here in England, all those were called *Barons* that had such Seignories or Lordships, as we now call *Courts Baron*, who are at this day called *Seigneurs* in France. And not long after the Conquest, all such came to the Parliament, and sat as Peers in the Lords House. But when by experience it appeared, that the Parliament was too much thronged with such multitudes, it was in the Reign of King John ordained, That none but the *Barones Majores* should for their extraordinary wisdom, interest, or quality, be summoned



summoned to Parliament. After that, again Men seeing this estate of Nobility to be but casual, and depend merely upon the Princes pleasure, they sought a more certain hold, and obtained of the King Letters Patent of this Dignity, to them, and their Heirs male; who were called *Barons by Letters Patent*, or by Creation, whose posterity are now by inheritance, and true descent of Nobility, those *Barons* that are called *Lords of the Parliament*, of which kind, the King may create at his pleasure.

Nevertheless, there are yet *Barons by Writ*, as well as *Barons by Letters Patent*. Those *Barons* who were first by *Writ*, may now justly also be called *Barons by Prescription*, for that they and their Ancestors have continued *Barons*, beyond the Memory of Man. The Original of *Barons by Writ*, Camden (in his *Britan. pag. 109.*) refers to Henry the Third. *Barons by Letters Patent*, or Creation commenced 11 Rich. 2. For then John Beauchamp was created Baron of *Kilgerminster*. The manner of such Creation read in *Seldens Titles of Honour, fol. 687.* Ferns *Glory of Generosity, pag. 125, 126.* To these Seager (*lib. 4. cap. 13. Of Honour, Civil, and Military*) adds a third kind of Baron, calling them *Barons by Tenure*, which are some of our Ancient *Barons*, and likewise the Bishops, who, by vertue of Baronies annexed to their Bishopricks, always had place in the Lords House of Parliament, and are termed *Lords Spiritual*.

*Baron* in the next signification, is an Officer, as *Barons of the Exchequer*, of whom, the principal is called *Lord chief Baron (Capital Baron)*, and the three other are his Assistant in Causes of Justice, between the King and his Subjects, touching matters appertaining to the *Exchequer*, and the Kings Revenue. The *Lord chief Baron*, is the chief Judge of the Court, and in Matter of Law, Information and Plea, answers the Bar, and gives order for Judgment thereupon. He alone in the Term time sits upon *Nisi prius*, that come out of the *Kings Remembrancer* Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the mornings for want of time. He takes Recognizances for the Kings Debts, for appearances and observing orders. He takes the presentation of all the Officers in Court under himself, and of the Lord Major of London, and sees the *Kings Remembrancer* give them their Oaths. He takes the Declaration of certain Receivers accompts of the Lands of the late Augmentation made before him, by the Auditors. He gives the two *Parci-makers* places by vertue of his Office.

The second *Baron*, in the absence of the Lord chief Baron, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major of London, for the true accompt of the profits of his Office. He takes certain Receivers accompts, and examines the Letters and sums of such Sheriffs, Foreign Accompts, as also the Accompts of Escheators and Collectors of Subsidies, Excise, Hearth-

money and Taxes, as are brought by the Auditor of the Court.

The third *Baron*, in the absence of the other two, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major and Gawger of London for their true accompting. He also takes certain Receivers Accompts, and examines the Letters and sums of such of the former Accomptants, as are brought unto him.

The fourth *Baron*, is always a Cursitor of the Court; at the days prefixed, he takes Oath of all High Sheriffs, and their Under Sheriffs, Balliffs, and other Accomptants, for their true accompting. He takes the Oath of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom houses, that they have made true Entrances in their Books. He apposeth all Sheriffs upon their Summons of the Pipe in open Court; and informs the rest of the *Barons* of the Course of the Court, in any Matter that concerns the Kings Prerogative. He likewise examines such Accompts as are brought to him.

These *Barons of the Exchequer* are ancient Officers; for I find them named in *Westm. 2. cap. 11. Anno 13 Edw. 1.* and they are called *Barons*, because *Barons* of the Realm were wont to be employed in that Office. *Fleta, lib. 2. cap. 24.* Their Office is to look to the Accompts of the King, and to that end, they have *Auditors* under them; as also to decide all Causes appertaining to the Kings Revenue, coming into the *Exchequer* by any means, as in part is proved by the Statute of 20. Edw. 3. cap. 2. and 27 ejusdem, Stat. 2. cap. 18. 5 Rich. 2. Stat. 1. cap. 9. and 12 & 14 ejusdem, cap. 11. Whereupon they have been of late persons learned in the Laws, whereas in ancient time they were *Majores & Discretiores in Regno, five de Clero essent, five de Curia.*

There are also *Barons of the Cinque Ports*, Anno 31 Edw. 3. Stat. 2. cap. 2. and 33 H. 8. cap. 10. which are two in every of these Towns, *Hastings, Winchelsey, Rye, Romney, Hythe, Dover, and Sandwich*, who have places in the Commons house of Parliament. See *Seldens Titles of Honour at large, fol. 687. & seq.*

*Baron* in the third signification, is used for the Husband in relation to his Wife.

The chief Magistrates of London were also called *Barons*, before there was a Lord Major, as appears by the City Seal, as also by their ancient Charters. *Hemricus (3) Rex. Sciatis nos concessisse & hac presentis Carta nostra confirmasse Baronibus nostris de Civitate nostra London. grandem et legem sibi Mayer de saipis singulis annis, &c.* See *Spelmans Gloss.* at large upon this word.

*Baronet (Baronetus)* Is a dignity or degree of Honor which hath precededency before all *Baronets, Knights of the Bath, and Knights, Bachelors*, except such *Baronets* as are made *Sub vassillis Regis, in exercitu Regali, in aperto bello & ipso Rege personam sibi presentem.* This Order of *Baronets*, King James created in the year 1611. with such precededency as above said,

abovesaid, and other privileges, &c. as may appear in *Rot. Pat.* 10 *Fac. part.* 10. m. 8. & 14 *Fac. par.* 2. m. 24. with an *Habendum sibi & Hæredibus masculis*, &c. See *Baneret*. Where *Baronets* are mentioned in our old Statutes and ancient Authors, it is mistaken for *Banerets*; 2 *Inst.* fol. 667. And *Seldens Titles of Honour*; fol. 736.

**Barony** (*Baronia*) Is the Dignity, Territory, and Fee of a *Baron*; under which notion, are comprehended not only the Fees and Lands of *Temporal Barons*, but of *Bishops* also, who have two Estates, one as they are *Spiritual Persons*, by reason of their *Spiritual Revenues* and *Promotions*, as was the *Tribe of Levi* among the *Israelites*. The other grew from the bounty of our *English Kings*, whereby they have *Baronies*, and Lands so called, and are thereby *Barons* or *Lords of Parliament*. In ancient time *Thirteen Knights Fees* and a quarter, made up a *Tenure per Baroniam*, which amounted to 400 Marks *per annum*.

This *Barony* (as *Bracton* says, *Lib. 2. cap. 34.*) is a Right invisible; and therefore, if an *Inheritance* be to be divided among *Coparceners*, though some capital *Messuages* may be divided, yet, *Si capitale Messuagium sit caput Comitatus, vel caput Baroniz*, they may not be parcelled. The reason is, *Ne sic caput per plures particulas dividatur, & plura jura Comitatus & Baroniarum deveniant ad nihilum, per quod deficiat regnum, quod ex Comitibus & Baronibus dicitur esse constitutum*. The *Mannor of Burford* in the County of *Salop*, was found by *Inquisition*, *capit. 40 Edw. 3. Teneri de Rege ad inveniendos & homines pro Exercitu Wallie, & per servitium Baroniz*, and the Lord thereof (*Sir Gilbert Cornwall*) is called *Baron of Burford*; but is no *Baron of Parliament*.

**Barrafter** (*Barrafterius, Repagularis Causidicus.*) See *Uter-Barrafter*.

**Barrator** or **Barater** (*Fr. Barrateur, i. a Deceiver*) Is a common mover or maintainer of *Suits, Quarrels, or Parts*, either in *Courts* or elsewhere in the *Country*, and is himself never quiet, but at variance with one or other. *Qui cum Ierentiano Dovo omnia perturbat*. To this purpose read *Lamb. Eiren. pag. 342.* who says also, That *Barretor* (for so he writes it) may come from the Latin *Baratro* or *Balatro*, a vile Knave, or *Unthrif*; and by a Metaphor, a Spot in a *Commonwealth*. See the Statute of *Champerly*, 33 *Edw. 1. Stat. 2. and Westm. 1. cap. 32.* *Skene*, in the word *Barratry*, says, That *Barrators* are *Symonists*, so called of the Italian word *Barrataria*, signifying *Corruption* or *Bribery* in a *Judge*, giving a false sentence for *Money*; whom you may read more at large, as also *Hortensius Cavalcantus*, in his *Tract. de Brachio Regio, parte 3. num. 66.*

**Barre** (*Fr. Barriere Lat. Barra*) Signifies legally a destruction for ever, or taking away for a time the action of him that hath right; and it is called a *Plea in Bar*, when such a *Bar* is pleaded. *Coke on Littl. fol. 372. Plowden, in*

*Colthirfts Case, fol. 26 & 28.* And *Brook, tit. Barre, num. 101. and 3 Hen. 7. fol. 29.*

This word is also used for a *Material Bar*, as the place where *Serjeants at Law* or *Counsellors* stand to plead *Causēs in Court*, or *Prisoners* to answer their *Indictments*; whence our *Lawyers*, who are called to the *Bar*, or *Licensed* to plead (in other *Countries* called *Licenciati*) are termed *Barraffers*, 24 *Hen. 8. cap. 24.* See *Blank-bar*.

**Bar Fee**, Is a Fee of xx d, which every *Prisoner*, acquitted of *Felony*, pays to the *Goaler*, *Crompt. Just. of Peace, fol. 158.*

**Barrel** (*Barillum*) Is a Measure of *Wine, Oyl, &c.* containing the eighth part of a *Tun*, the fourth of a *Pipe*, and the moiety of a *Hogshead*, that is, *Thirty Gallons*, and a half, *Anno 1 Rich. 3. cap. 13.* But the quantity of this Vessel seems to differ according to the *Liquor*; for a *Barrel of Beer* contains *Thirty six Gallons*, the *Kilderkin Eighteen*, and the *Firkin Nine*. A *Barrel of Ale* *Thirty two Gallons*, the *Kilderkin Sixteen*, and the *Firkin Eight*. *Anno 23 Hen. 8. cap. 4. and 12 Car. 2. cap. 23.* —The said *Assise of 32 Gallons of Wine* measure, which is about 28 Gallons of old *Standard*, well packed, and containing in every *Barrel* usually, a thousand full *Herrings*, at least, is, and shall be taken for good, true, and lawful *Assise* of *Herring Barrels*. *Anno 13 Eliz. cap. 11.* The *Ele-barrel* contains 30 Gallons. *St. 2 H. 6. 13.*

**Barriers** (*Fr. Barrieres*) Signifies with us, that which the French call (*Feu de Barres, i. Palastrum*) A *Martial Exercise* of *Men*, armed and fighting together with short *Swords*, within certain *Bars* or *Rails*, whereby they are severed from the *Beholders*; now disused.

**Barter** (From the Span. *Baratar, i. To sell cheap, or deceive or cheat in Bargaining*) Signifies with us to exchange one *Commodity* for another, to truck *Wares* for *Wares*. *Anno 1 Rich. 3. cap. 9.* And so *Bartry* the Substantive. 13 *Eliz. cap. 7.* The reason may be, because they that chop and change in this manner, do endeavor for the most part, one to over-reach or deceive the other. See *Barrator*.

**Barton**, In *Devonshire*, and the *West of England*, is used for the *Demefn Lands* of a *Mannor*; for the *Mannor-house* it self; and in some places for *Out-houses*, and *Fold-yards*. In the Statute 2 & 3 *Edw. 6. cap. 12.* *Barton Lands* and *Demefn Lands* are used as *Synonims*. See *Berton*.

**Base Court**, (*Fr. Cour Basse*) Is any *Court*, not of *Record*, as the *Court Baron*. Of this read *Kitchin, fol. 95, 96, &c.*

**Base Fee**. See *Base Estate*.

**Base Estate** (*Fr. Bas Eftat*) Signifies, that *Estate* which *Base Tenants* have in their *Lands*. *Base Tenants* are those (according to *Lamb. verbo, Paganus*) who perform inferior *Villanous service* to their *Lords*. *Kitchin, fol. 41.* makes *Base tenure* and *Frank-tenure* to be contraries, and puts *Copiholders* in the number of *Base Tenants*; where it may be gathered, that every



**Base Tenant** holds at the will of the Lord, yet that there is a difference between a *Base Estate* and *Villanage*; which *Fitzherbert* in his *Nat. Br.* fol. 12. seems to confound. For to hold in pure Villanage, is to do all that the Lord will command him. So that if a Copyholder have but *Base Estate*, he, not holding by the performance of every Commandment of his Lord, cannot be said to hold in *Villanage*. Whether it may be said, That Copyholders are, by custom and continuance of time, grown out of that extream servitude, wherein they were first created, I leave to others of better Judgment, since *Fitzh.* (loco citato) says, *Tenure by Copy* is but of late time.

**Basels** (*Baselli*) A sort of Coyn, abolished by *Hen. 2.* Anno 1153. This year the King altered his Coyn, abrogating certain peeces called Basels. *Hollins.* pag. 67.

**Bastard** or **Bastard**, In the Stat. 12 R. 2. cap. 6. signifies a Weapon; which Mr. Speight, in his Exposition upon *Chaucer*, calls *Pugionem vel sicam*.

**Basnetum**, A Basnet or Helmet. By *Inq.* 22 *Edw. 3.* after the Death of *Lauarence de Hastings*, Earl of Pembroke, thus—*Quod quidem manerium* (i. de Aston Cantlore) *per se tenetur de Domino Rege in Capite, per servitium inveniendi unum hominem peditem, cum Arcu sine corda, cum uno Basneto sive Cappa, per xl dies, sumptibus suis propriis; quotiens fuerit guerra in Wallia.*

**Bastard** (*Bastardus*, from the British *Bastard*, i. *notus*.) Is he or she that is born of any Woman not married, so that the Childs Father is not known by the order of Law, and therefore is called *Filius Populi*.

*Cui pater est populus, pater est sibi nullus & omnis:*

*Cui pater est populus, non habet ipse patrem.*

Such *Bastard* cannot inherit Land as Heir to his Father, nor can any person inherit Land as Heir to him, but one that is Heir of his Body. *Littl. Sel.* 401.

If the Child be begotten by him that does marry her after the Childs Birth, yet it is in Judgment of Law, a *Bastard*, though the Church holds it Legitimate. *Stat. 20 Hen. 3. 9.* and 1 *Hen. 6. 3.* *Coke on Littl.* 244.

If a Man take a Wife, who is great with Child by another, who was not her Husband, it shall be said the Child, and may be the Heir of the Husband, though it were born but one day after the *Espousals* solemnized.

If one marry a Woman, and die before night, and never Bed her, and she have a Child after, it seems it shall be accounted his Child, and Legitimate. See the *English Lawyer*, 117.

If a Man or Woman marry a second Wife or Husband, the first being living, and have issue by that second Wife or Husband, such issue is a *Bastard*. 39 *Edw. 3. 14.* 7 *Hen. 4. 49.* 18 *Edw. 4. 26.*

If a Woman elope with a stranger, and hath a Child by him, her Husband being *infra quatuor maria*, this is Legitimate, and shall

inherit the Husbands Lands. 44 *Edw. 3. 10.* 7 *Hen. 4. 10.*

The punishment of the Mother and reputed Father of a *Bastard*. Anno 18 *Elix. cap. 3.*

He that gets a *Bastard* in the Hundred of *Middleton*, in *Com. Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Edw. 3.*

Before the Statute 2 & 3 *Edw. 6. cap. 21.* one was adjudged a *Bastard*, *Quia filius Sacerdotis.* *Int. Plac. de temp. Joh. Reg. Lincoln. 42.*

**Bastard** (*bastardium*) — *Absque armis gladiis & Bastardis.* *McC. Claus. 17. Ric. 2. dorso.* A kind of Weapon.

**Bastardy** (*Fr. Bastardage*) Signifies a defect of Birth, objected to one born out of Wedlock. *Bracton*, lib. 5. cap. 19. How *Bastardy* is to be proved, or to be enquired into, if it be pleaded. See *Rassals Entries*, tit. *Bastardy*, fol. 104. And the Stat. 9 *Hen. 6. cap. 11.* *Kitchin*, fol. 64. mentions *Bastardy Special* and *Bastardy General*. The difference whereof is, That *Bastardy General* is a Certificate from the Bishop of the Dioceses to the Kings Justices, after such enquiry made, that the party enquired of, is a *Bastard*, or not a *Bastard*; upon some question of Inheritance. *Bastardy Special* is a Suit commenced in the Kings Court, against him that calls another *Bastard*; so termed, because *Bastardy* is the principal case in tryal, and no Inheritance contended for. Whereby it appears, that in both these significations, *Bastardy* is rather taken for an examination or tryal, whether a Mans Birth be defective or illegitimate, than for *Bastardy* it self. See *Brook*, tit. *Bastardy*, and Dr. *Kidleys Book*, pag. 203, 204.

**Baston**, (*Fr.*) A Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Wardens of the *Fleets* Servants or Officers, who attends the Kings Courts with a Red Staff, for taking such to Ward as are committed by the Court. Anno 1 *Rich. 2. cap. 12.* 3 *Elix. cap. 23.* See *Tiffstaff*.

**Batable Ground**, Was the Land lying between *England* and *Scotland*, heretofore in question, when they were distinct Kingdoms, to which it belonged, Anno 23 *Hen. 8. cap. 6.* and 32 *Ejusdem*, cap. 6. As it we should say, *Litigious* or *Debatable Ground*; for by that name *Skene* calls ground that is in Debate or Controversie betwixt two. *Cam. Brit. tit. Cumberland.*

**Battel** (*Fr. Bataille*) Signifies a Tryal by Combat: The manner whereof, being long, full of Ceremonies, and now disused, we must refer you to *Glanville*, lib. 2. cap. 3, 4, 5. *Bracton*, lib. 3. tra. 2. cap. 21. fol. 140. *Britton*, cap. 22. *Smith de Rep. Angl.* lib. 2. cap. 7. and lib. 3. c. 3. *Coke on Littl.* fol. 294. And on *Westm.* 1. fol. 247. See *Combat*.

**Battery** (from the *Fr. Batre*, i. to strike, or *Sax. batte*, i. *sustin*) Is a violent striking, or beating a Man; who (in regard it tends to the breach of the Peace) may therefore either indict the other party, (whereby he is Fineable

to the King) or have his Action of Trespass, of Assault and Battery, against him, (for every Battery implies an Assault) and recover so much in Costs and Damages, as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Case a Man may justify the beating another in a moderate manner, as the Parent his Child, the Master his Servant or Apprentice, &c. This the Civilian's call *Injuriam personalem*.

**Barrowaine** (A Sax. bat, a Boat and Swaine, a Servant) a Mariner or Boatswain. *Domesday.*

**Batus** (Sax. bat) A Boat. And *Batellus*, a little Boat. — *Concessit etiam idem Hugo Wake pro se & hered. suis, quod predictus Abbas & Successores sui & Ecclesia sua de Grosland habeant tres batellos in Harnolt, &c. Charta. Edw. 1. dat. 20 Julii. 18 Regni. See Libera Batella.*

**Baudekin**, Or Cloth of Baudekin ( *Baldicum & Baldakinum*, Anno 4 Hen. 8. cap. 6. ) *Erat pahnus auro rigidus, plumbisq; opere intertextus;* yet some Authors account it Cloth of Silk only.

**Bay or Ben**, Is a Pond-head made up of a great height to keep in store of Water; so that the Wheels of the Furnace or Hammer belonging to an Iron Mill, may be driven by the Water coming thence, through a Passage or Flood-gate, called the *Poustock*. Also a Harbor where Ships tide at Sea near some Port. The word is mentioned, Anno 27 Eliz. cap. 19. *Bachan*. in his *Hist. Scot.* fol. 7. writes it *Bel*, and expounds it by *Sinu maris*.

**Beacon**, (from the Sax. *Beacen*, i. *signum vel symbolum*). Anno 8 Eliz. cap. 13. is well known. Hence *Beaconage*, Money paid towards the maintenance of a Beacon; and we still use the word to *becken*, from the Saxon *beacnian*, to nod unto, or signify. See the Statute 5 H. 4. And *Dors. Pat.* 28 Hen. 8. par. 2. m. 21. *Pro signis, Anglicè Beacons, & Vigilis. And Prin's Animadv.* on 4 *Inst.* fol. 134, & 135.

**Bede or Bead** (Sax. *Bead*, a Prayer;) so that to say *Ones Beads*, is to say *Ones Prayers*. They were most in use before Printing, when poor people could not go to the charge of a Manuscript Prayer-Book. These are mentioned in 27 Hen. 8. cap. 26. and 3 Jac. cap. 5.

**Bearding** alias *Barding* of Wooll. See *Clack*.

**Beaungs**—Justices of Assize shall enquire, hear, and determine of Payntments, Beaungs, and Conspiratoys, and of those that commit Champarty, &c. Anno 4 Edw. 3. cap. 11. such as bear down or oppress others; maintainers.

**Beasts of Chase** (*Fera Campestris*) Are five; the Buck, the Doe, the Fox, Martron and Roe, *Manwood 1 Part. pag. 342. and 2 Part. cap. 4. num. 2.*

**Beasts of the Forrest** (*Fera Sylvestres*) Are the Hart, Hind, Hare, Bore, and Wolf. *Manwood, part. 2. cap. 4. num. 1.*

**Beasts and Fowls of Warren**, Are the Hare, Coney, Pheasant and Partridge. *Manw. part. 2. cap. 4. num. 3.*

**Beastials**. See *Bestials*.

**Beau-pleader**, (Fr. *Beau-plaidier*, i. To plead fairly) Is a Writ upon the Statute of *Marlbridge*, 52 Hen. 3. cap. 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts Baron, any Fines shall be taken of any Man for *Fair pleading*, that is, for not pleading fairly or aptly to the purpose; upon which Statute, this Writ was ordained against those that violate the Law herein. See *Fitz Nat. Br. fol. 270.* whose Definition is to this effect. The Writ upon the Statute of *Malbridge* for not *Fair Pleading*, lies where the Sheriff, or other Bailiff in his Court, takes Fine of the Party, Plaintiff or Defendant, for that he *pleads not fairly*, &c. And it was as well in respect of the Vicious Pleading, as of the *Fair Pleading* by way of amendment, 2 *Part. Inst.* fol. 122.

**Bedel** (*Bedellus*, Sax. *bydel*) A Cryer or Messenger of a Court, the Keeper of a Prison or House of Correction, an under Bailiff of a Manor. *Manwood, part. 1. fol. 221.* says, A *Beadle* is an Officer or Servant of the Forest, who makes all manner of Garnishments of the Courts of the Forest, and all Proclamations as well within the Courts as without, and executes all the processes of the Forest; he is like a Bailiff Errant of a Sheriff in a County. *Edgarus interdictit omnibus ministris suis, id est, Viccomitibus, Bedellis, & Ballivis in Paria Circuitorum. Ne introeant fines & limites dñi Matisei. Ingulphus Hist. Crost.*

**Bedelary**, (*Bedelaria*) Is the same to a *Bedel*, as *Bailiwick* to a *Bailiff*. *2 Inst. 3. cap. 5. Wil. filius Ade tenet Bedeliam Hundredi de Macclefeld, &c. Ex Rot. Antiq.*

**Bederepe** alias *Bedrepe* (Sax.) Is a service, which some Tenants were anciently bound to perform, viz. To reap their Land-lords Corn at Harvest, as some yet are used to give them one, two, or three days work, called in some places *Boon-days*. — *Debent venire in Autumno ad precariam quæ vocatur a le Bederepe. Pla. in Crast. Par. 10 Hen. 3. Rot. 8. Surrey. See Mensura Præcariorum.*

**Benefice** (*beneficium*) Is generally taken for any Ecclesiastical Living, or Promotion, be it Dignity, or other; as Anno 13 Rich. 2. Stat. 2. cap. 2. where Benefices are divided into Elective and Donative. So it is used in the Canon Law. *Quærentur de Beneficiis, l. 2. cap. 3.*

**Beneficio primo Ecclesiastico habendo**, Is a Writ directed from the King to the Chancery, to bestow the Benefice that shall first fall in the Kings gift, above or under such a value, upon this or that Man. *Reg. of Writs, fol. 307. b.*

**Benefith**, Was a Service which the Tenant rendered to his Lord with his Plough and Cart. *Lamb. Arm. pag. 212. and Coke on Litt. fol. 86. a.*

**Benef**



**Benevolence** (*Benevolentia*, favor, good will) Is used both in the Chronicles and Statutes of this Realm, for a voluntary gratuity given by the Subjects to the King. *Stow's Annals*, pag. 701. By the Statute of 1 Rich. 3. cap. 2. it is called, *A new Imposition*. But *Stow*, pag. 791. saith, That the Invention grew from Edward the Fourth's days; you may find it also (Anno 11 Hen. 7. cap. 10.) to be yielded to that worthy Prince, in regard of his great expences in Wars, and otherwise. See *Cokes* 12 Rep. fol. 119, 120. It is in other Nations called *Subsidium charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Cassan. de Consuet. Burg.* pag. 134, 136. By Act of Parliament, 13 Car. 2. cap. 4. it was also given to His Majesty that now is, K. Charles the Second.

**Beurip**. — *Tenentes de Whitborn in Com. Heref. debent pro quadam consuetudine qua vocatur Beurip*, viz. pro quinque operationibus in termino Beati Michaelis, 3 d. Leber niger Heref. See *Bedrope*.

**Bercaria** (from the Fr. *Bergerie*) A Sheep-coat or Sheepfold. In *Doomsday* it is written, *Berquarium*. 2 Part. *Cokes Inst.* fol. 476. *Mandatum est Roberto de Lexington, quod Abbati de Miraval faciat unam Bercariam in pastura de Fairfield ad oves suas custodiendas*. *Claus. Hen. 3. m. 12. Dedi sexaginta acras terra, ad unam Bercariam faciendam* — *Mon. Angl.* 2. p. fol. 599. a. where it seems to signify a *Sheep-walk* or *Pasture*.

**Berbiage** (*Berbiagium*) *Natur tenentes Manerii de Calistoke reddunt per An. de certo redditu vocat. Berbiag.* ad le *Dokeday* xix s. MS. Survey of the Dutchy of Cornwall.

**Berefellarii**, There were seven Church-

men so called, anciently belonging to the Church of St. John of Beverley. — *Sed quia eorum turpe nomen Berefellariorum patens visui remanebat, dictos septem de cetero non Berefellarios, sed Personas volumus nuncupari*. Pat. 21 Ric. 2. par. 3. m. 10. per Inspex.

**Berewicha**, *Dooms-day*. *Ista sunt — Berewichæ ejusdem Manerii* — Villages or Hamlets belonging to a Manor. See *Berwica*.

**Berghmapster**, vulgarly **Barmaster** and **Barmet** (from the Sax. *berg*. Mons; quasi, Matter of the Mountain) *Præfatus seu Curator fodinæ*. A Bailiff or chief Officer among our *Derbysire Miners*, who among other parts of his Office, does also execute that of Coroner among them. — *Furatores dicunt, quod in principio quando Mineratores veniunt in campum mineras querentes, inventa minera, venient ad Balivum qui dicitur Berghmapster, & petent ab eo duas Metas, si sit in novo campo, & habebunt unam, scil. pro inventione, & aliam de jure Mineratorum, & unaquæq; meta continet quatuor Perticatas, & ad foveam suam septem pedes, & unaquæq; Perticata erit de 24 pedibus, &c.* *Efc. de An. 16 Edw. 1. num. 34.* See *Bergmote*, and Sir J. Pettus his *Fodina Regales*. The Germans call a Mountaneer, or Miner, a **Bergman**.

**Bergmote** or **Berghmote**, vulgarly **Barmote**. — *Furatores dicunt etiam quod Placita del Bergmote debent teneri de tribus septimanis in tres septimanas super mineras in Pecco.* *Efc. 16 Edw. 1. ut supra.* This **Bergmote** or **Berghmote**, comes from the Saxon *berg*, i. Mons and *mote* or *gemote*, *conventus*: Quasi, the Court held upon a Hill, for deciding Pleas and Controversies among the *Derbysire Miners*; of which, thus Mr. Manlove, in his ingenious Treatise of their Customs.

— And Sute for Oar must be in Berghmote Court,

- 3 Edw. 6. Thisber for Justise Miners must resort:  
 Art. 9. If they such Sutes in other Courts commence,  
 3 & 4 Phil. & They lose their due Oar-debt, for such offence;  
 Ma. Art. 16. And must pay Costs; because they did proceed  
 Against their Custom: Miners all take heed.  
 3 Edw. 6. No Man may sell his Grove, that's in contest,  
 Art. 20. Till Sute be ended; after the Arrest  
 3 & 4 Phil. & The Sellers Grove is lost by such offence,  
 Ma. Art. 26. The Buyer fined, for such Maintenance.  
 16 Edw. 1. c. 2. And two great Courts of Berghmote ought to be  
 3 Edw. 6. Ar. In every year upon the Minery,  
 10. To punish Miners that transgress the Law,  
 3 & 4 Phil. & To curb Offenders, and to keep in awe  
 Ma. Art. 19, Such as be Cavers, or do rob Mens Coes;  
 30 & 33. Such as be Pilferers, or do steal Mens Stows;  
 To order Grovers, make them pay their part,  
 Joyn with their Fellows, or their Groves desert;  
 To fine such Miners, as Mens Groves abuse,  
 And such as Orders to observe refuse;  
 3 & 4 Phil. & Or work their Meers beyond their length and Stake;  
 Ma. Art. 31. Or otherwise the Mine and Rake;  
 Or set their Stows upon their Neighbors Ground,  
 Against the Custom, or exceed their Bound:  
 Ibid. Art. 4, 5. Or Purchasers, that Miners from their way  
 To their Walk-troughs do either stop or stay;  
 Or dig or delve in any Mans Bing-place;

26 Edw. 1. *Or do his Stows throw off, break, or deface ;*  
 cap. 2. *To fine Offenders, that do break the Peace,*  
 3 & 4 Phil. & *Or shed Mans Blood, or any Tumults raise ;*  
 Ma. Art. 28. *Or Weapons bear upon the Mine or Rake ;*  
*Or that Possession forcibly do take ;*  
*Or that disturb the Court, the Court may fine*  
*For their Contempts (by Custom of the Mine)*  
*And likewise such as dispossessed be,*  
*And yet set Stows against Authority ;*  
*Or open leave their Shafts, or Groves, or Holes,*  
*By which Men lose their Cattle, Sheep, or Soules.*  
*And to lay Pains, that grievance be redrest,*  
*To ease the burdens of Poor-men oppress.*  
*To swear Berghmaysters, that they faithfully*  
*Perform their Duties on the Minery ;*  
*And make Arrests, and eke impartially*  
*Impanel Jurors, Causes for to try ;*  
*And see that Right be done from time to time*  
*Both to the Lord, and Farmers on the Mine.*

**Bernet**, (*Incendium*) from the Sax. byrnan, to burn) Is one of those Crimes, which, by Henry the First's Laws, cap. 13. *Emendari non possunt* : It signifies *Domus combustio*, according to MS. Bibl. Cotton. tit. Vitellius. C. 9.

**Berocfire**, in *Domesday* is used for *Berkshire*.

**Berquarii & Berrarii**, Shepherds. *Domesday*. See *Bercaria*.

**Berrichatch**, In the Court Rolls of the Manor of Chuton in Com. Somerset, is used for Litter for Horses.

**Berras allartare** (Pet. in Parl. 18 Ed. 1.)

**Bersa** (Fr. *Bers*) A limit, compass, or bound, — *pasturam duorum Taurorum per totam Bersam in Foresta nostra de Chipenham, &c.* Mon. Angl. 2. par. fol. 210 a.

**Bersare** (a Germ. *Bersen*, to shoot) — *Bersare in Foresta mea ad tres arcus* : (Carta Ranulphi Comit's Cestrie, Anno 1218.) that is, to hunt or shoot with three Arrows in my Forest.

**Bersarii** were properly those that hunted the Wolf, from the Saxon *bæpp*, *Lupus*.

**Bersatir** (from the Fr. *Berser*, to rock) a Rocker. *Rex—Sciatis quod pro bono servitio, quod dilecta nobis Matilda de Plumton, Bersatrix Edwardi Comit's Cestrie, filii nostri carissimi eidem filio nostro impendit, Concessimus eidem Matilda decem marcas percipiend. singulis annis ad Scaccarium nostrum, &c.* Pat. 10 Edw. 3. pa. 1. m. 30.

**Bersalet** (*Bersaleta*) A Hound. — *Ad Bersandum in Foresta cum novem arcibus & sex Bersaletis.* Carta Rog. de Quincy.

**Bers or Bury** (from the Sax. *Byp*. i. *Habitatio*) A Dwelling-place, a Mansion-house or Court, a chief Farm. The chief House of a Manor, or the Lords Seat is still so called in some parts of England; as in Herefordshire there are the *Bries* of Stockton, Luston, Hope, &c. Anciently used also for a Sanctuary.

**Berton** (*Bertona*, a Sax. *bepe*, *bordeum*, & *ton*, *villa*) *Est area in averfa parte adium ruralium primariarum, in qua borrea, stabula & vilioris officii adificia sita sunt, & in qua foven-*

*tur domestica animalia & negotiationes rustice peraguntur.* — *Rex Thesaurario & Baronibus suis de Scaccario salutem. Quia volumus quod Castrum nostrum Glocestria, nec-non & Tina & Bertona Gloc. corpori dicti Comitatus nostri Gloc. annexantur, &c.* Claus. 32 Edw. 1. m. 17.

**Bertonarii**. — *Cum Bertona, terris & tenementis, quae Bertonarii modo tenent ad voluntatem, Carta Johannis Episc. Exon. dat. 24 Dec. Anno 1337.* Doubtless these were such as we now call Farmers, or Tenants of *Bertons*, Husbandmen, that held at the will of the Lord. In Devonshire they call a great Farm or Mansion, a *Brton*; a small Farm, a *Living*.

**B-rtwica**, A Hamlet, or Village appurtenant to some Town or Manor; often found in *Domesday*; from the Sax. *bepepica*, a Corn-Farm, or *Villa frumentaria*. *Manerium minus ad majus pertinens; non in gremio Manerii, sed vel in confinio vel disjunctus interdum situm est.* Spelman. So in the Donation of Edward the Confessor, *Totill* is called, *The B-rtwick of Westminster*. Cam. Brit. fol. 816.

**Besaille** (Fr. *Bisageul*, *Proavus*; The Father of the Grand-father) Signifies a Writ that lies where the Great Grand-father was seized of any Lands or Tenements in Fee-simple, the day he died; and after his death, a stranger abates or enters the same day upon him, and keeps out his Heir, &c. The form and further use of this Writ, read in *Fitz. Nat. Brev.* fol. 221.

**Besca**, A Spade or Shovel: (From the Fr. *bescher*, to Dig or Delve) — *In communi pastura turbas, cum una sola besca, fodient & nihil dabunt.* Prior. Lew. Customar. de Hecham. pag. 15. Hence perhaps — *Una bescata terra inclusa* — (Mon. Angl. Par. 2. fol. 642. a.) may signify a piece of Land usually digged, such as Gardiners sow roots in.

**Bestials** (Fr. *Bestails*, i. *Beasts* or *Cattle* of any sort (Anno 4 Edw. 3. cap. 3. it is written *B-stail*; and is generally and properly used for all kind of Cattle. Mentioned also in 12 Car. 2. cap. 4.



**Betaches.** — *Et Hibernicos sic admissos ad legem prædictam more Anglicorum pertrahari mandamus, jure nostro & aliorum Dominorum in bonis & cattalis Nativorum, qui vulgariter in illis partibus Betaches nominantur, &c.* Pat. 14 Ed. 2. p. 2. m. 21. intus.

**Bethugabel.** See *Bagavel*.

**Bidale** or **Bidall**, *Precaria potaria* (from the Sax. *biddan*, i. To pray or supplicate) Is the invitation of Friends to drink *Ale* at the House of some poor Man, who thereby hopes a charitable contribution for his relief; still in use in the West of England, and falsely written *Bidale* in some Copies of *Bracton*. lib. 4. cap. 1. num. ult. And mentioned 26 Hen. 8. cap. 6. See *Sotbale*.

**Bidding of the Beads** (*Anno 27 Hen. 8. cap. 26.*) Was anciently an invitation or notice given by the Parish Priest to his Parishioners at some special times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular occasion. And, to this day, our Ministers do usually, on the Sunday precedent, *bid* such Festivals, as happen in the Week following, *Holidays*; that is, desire or invite their Parishioners to observe them. *Bidding* comes from the Sax. *biddan*, i. To desire or intreat; and *Bead* in that Language, signifies a Prayer.

**Bidripe** (*Bidripa*) See *Bederepe*.

**Biga**, Properly a Carr, or Chariot, drawn with two Horses coupled side to side; but, in our ancient Records, it is used for any Carr, Wain, or Waggon — *Et quod cant cum Bigis & carris cum ceteris fallens super tenementum suum, &c.* 2 Mon. Ang. fol. 256. b.

**Bigamus**, Is he that hath married two or more Wives, or a Widdow, as appears in the Statutes, 18 Edw. 3. cap. 2. and 1 Edw. 6. cap. 12. 2 Part. *Cokes Inst.* fol. 273.

**Bigamy**, (*Bigamia*) Signifies a double marriage or marriage of two Wives; it is used for an impediment to be a Clerk, *Anno 4 Edw. 1. 5.* Upon those words of *S. Paul* to *Timothy*, Chap. 5. 2. (*Oportet ergo Episcopum irreprehensibilem esse: & unius uxoris virum.*) Upon which, the Canonists founded that Doctrine; That he that hath married a Widdow, is by their interpretation, taken to have been twice married. And both these, they not only exclude from holy Orders, but deny them all Priviledges that belong to Clerks. But this Law is abolished by 1 Edw. 6. cap. 12. and 18 Eliz. cap. 7. Which allow to all Men that can read as Clerks, though not within orders, the benefit of Clergy, in case of Felony not especially excepted by some other Statute. *Brook*, tit. Clergy.

**Bilage** (Sax.) See *Bilaws*.

**Bilanciis deferendis**, Is a Writ directed to a Corporation, for the carrying of *Weights* to such a Haven, there to weigh the Wools that such a Man is licensed to transport. *Reg. of Writs*, fol. 270. a.

**Bilaws** or **Bilawus** (*Bilagines* from the Gothish *By*, *pagus* and *lagen*. *Lxx*, or from

the Sax. *Bilage*, i. *Leges obiter & pro re nata condita*) are particular Orders made in Court Leets or Court Barons by common assent of the Resiants, for the good of those that make them, in some particular Cases, whereto the Publick Law does not extend. *Coke*, Vol. 6. fol. 63. *Kitchin*, fol. 45. & 79. In Scotland they are called *Laws of Burlaw* or *Birlaw*, which are made and determined by the consent of Neighbors, elected by common consent in the *Birlaw Courts*, wherein Knowledge is taken of Complaints betwixt Neighbor and Neighbor; which men, so chosen, are Judges and Arbitrators to the effect aforesaid, and are called *Birlaw-men*. For *Baw* or *Bawfman* in Dutch, is *Reflicus*, and so *Birlaw* or *Burlaw*, *Leges Rusticorum*. *Skene*. By Stat. 14 Car. 2. cap. 5. the Wardens and Assistants for making and regulating the Trade of *Norwich* Stuffs, are impowred to make *By-Laws*, &c. *Anno 20 Car. 2. cap. 6.*

**Bilingualis**, Signifies in the generality a double-tongued Man, or one that can speak two Languages; yet it is used for that Jury which passeth in any Case, betwixt an Englishman and an Alien, wherof part must be Englishmen, and part Strangers. *Anno 28 Edw. 3. cap. 13.*

**Bill** (*Billa*) Is diversly used: First, as a Security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for non-payment. 2. *Bill* is a Declaration in Writing, expressing either the wrong the Complainant hath suffered by the party complained of, or else some fault committed against some Law or Statute of the Realm. This *Bill* is most commonly addressed to the Lord Chancellor of England, especially for unconscionable wrongs done; sometimes to others having Jurisdiction, according as the Law, whereon they are grounded, does direct: It contains the Fact complained of, the Damages thereby sustained, and Petition of Process against the Defendant for redress. See more in *West*. par. 2. *Symbol. tit. Supplications*.

**Bill of Store**, Is a kind of Licence granted at the Custom-house to Merchants, or others, to carry over such *Stores* or Provision as are necessary for their voyage, Custom-free.

**Bill of Sufferance**, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. *Anno 14 Car. 2. cap. 11.*

**Billa vera** (Lat.) The *Bill* is true. The Grand Enquest, Empanelled and sworn before the *Justices of Eyre*, &c. Endorsing a *Bill* (whereby any crime punishable in that Court is presented to them,) with these two words, signify thereby that the Presentor hath furnished his Presentment with probable Evidence, and worthy further consideration. Wherupon, the party presented, is said to stand *indicted* of the Crime, and tied to make answer to it, either by confessing or traversing the Indictment: And if the Crime touch his Life, it is yet

yet referred to another Enquest, called the *Enquest of Life and Death*, by whom, if he be found guilty, then he stands convict of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus* and *Indictment*.

**Willetts of Gold** (Fr. *Billet*) Wedges or Ingots of Gold, mentioned 27 *Edw. 3. Stat. 2. cap. 14.*

**A Wind of Cels.** See *Stick of Elos.*

**Wirlaw.** See *Bilaw* and *Byrlaw.*

**Willa** (à Gal. *Bische*) *Cerva major*, a Hynd. — *Decimam venationis nostrae, scil. de Cervis, Bilibis, Damis, porcis & lais.* Mon. Angl. Vol. 1. fol. 648. a.

**Wiscot.** 9 *Edw. 3.* At a Session of Sewers held at *Wigenhale* in *Norfolk*, it was decreed, That if any one in those parts of *Marchland*, should not repair his proportion of the Banks, Ditches and Causeys, by a day assigned, xii d. for every Perch unrepaired (which is called a *Bilaw*) should be levied upon him. And if he should not by a second day given him, accomplish the same; then he should pay for every Perch ij s; which is called *Wiscot*. *Hist. of Imbanking and Dreyning, fol. 254. a.*

**Bisantium.** A *Besantine* or *Besant*, an ancient Coyne, so called, because first Coyned at *Constantinople*. I have seen an old Lease of Land reserving *unum Bisantium*, vel *duos solidos*; yet some think it was of greater value.

**Bissextile** (*Bissextilis*) Leap-year so called, because the sixth Calends of *March* are in that year twice reckoned, viz. on the 24 & 25 of *February*. So that Leap-year hath one day more than other years, and is observed every fourth year, being first devised by *Julius Caesar*, to accommodate the year with the course of the Sun. And to prevent all doubt and ambiguity, that might arise hereupon, it is provided by the Statute *de Anno Bissextili*, 21 *Hen. 3.* That the day increasing in the Leap-year; and the day next before, shall be accounted for one day, &c. *Britton, fol. 209. and Dyer, 17 Eliz. 345.*

**Black mail** (Fr. *Maille*, i. A Link of Mail, or small piece of Metal or Money) Signifies in the Counties of *Cumberland*, *Northumberland*, and *Westmerland*, a certain Rent of Money, Corn, Cattle, or other consideration, paid to some inhabiting upon, or near the border, being persons of Name and Power, allied with certain Moss-Troopers, or known Robbers within the said Counties; to be thereby by them freed and protected from the danger of those Spoil-makers. *Anno 43 Eliz. cap. 13.* See *Mail*. *Black-money* also, mentioned 9 *Edw. 3. cap. 4.*

**Black-rents** (*redditus*) the same with *Black-maile*.

**Bladarius,** Used in our Records for a Cornmonger, Mealman, or Corn-Chandler. *Pat. 1 Edw. 3. par. 3. m. 13.* See *Puleterius*.

**Black Rod,** or Gentleman-Usher of the Black Rod, is chief Gentleman-Usher to the King. He is called in the *Black Book, fol. 255. Lator virga nigra*, and *Hofsiarius*; and else-

where *Virgi-bajulus*: His duty is *Ad portandam Virgam coram Domino Rege, ad Festum Sancti Georgii infra Castrum de Windefore*. He hath also the keeping of the Chapter-house Door, when a Chapter of the Order of the Garter is sitting; and in the time of Parliament, attends on the House of Peers.

He hath a like habit with the Register of the Order, and Garter-King of Arms; which he wears at the Feast of *S. George*, and all Chapters. He bears a *Black Rod*, on the top whereof sits a *Lion, Gold*; which Rod is instead of a Mace, and hath the same power and authority. His Fee is now 30 l. per annum. This Officer hath been anciently constituted by Letters Patent under the Great Seal.

**Blade** (*Bladum*, Fr. *Bled*) *Nostro foro, de segete tantum intelligitur, praesertim etiam in herba. Spel.* But the Saxon *Blad* signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs; whilst they grow. *Universis—Will. de Mohun salutem, Sciatis me relaxasse & quietum clamasse Domino Reginaldo de Mohun fratri meo totum Manerium meum de Tar—Salvo mihi inflauore meo & blado, &c. (fine dat.) i. e.* Excepting my Stock and Corn on the Ground. Hence *Bladier* is taken for an Ingrosser of Corn or Grain. *Sciatis—quod ego Willichmus Alreton, consensu & voluntate Beatrix uxoris meae, Dedi—Agatha Gille pro duabus Marcis Argentis & una mensura bladi, duas solidatas redditus in villa Leominster. illas scil. quas Walterus de Luda solebat mihi reddere pro quadam terra qua est inter seldas Ada Talcurten & Feodum Johannis Reading. Habend. &c. (fine dat.) Ex libro Cartar. Priorat. Leominsteria.*

**Blanks** (Fr. *Blanc*, i. candidus) A kind of Money, coyned by King Henry the Fifth, in the parts of *France*, which were then subject to *England*, the value whereof was 8 d. *Stow's Annals, pag. 586.* These were forbidden to be current in this Realm, 2 *Hen. 6. cap. 9.* The reason why they were called *Blanks*, was, because at the time these were coyned in *France*, there was also a piece of gold coyned, called a *Salus*; from which, this of Silver, was in name distinguished by the colour.

**Blank-Bar,** Is the same with that we call a *Common Bar*, and is the name of a Plea in *Bar*, which in an Action of Trespass is put in to compel the Plaintiff to assign the certain place where the Trespass was committed: It is most used by the practisers in the Common Bench, for in the Kings Bench the place is commonly ascertained in the Declaration. *Croke, 2 Pars. fol. 594.*

**Blench,** To hold Land in *Blench*, is, by payment of a Penny, Rose, Pair of Gilt Spurs, or such like thing, if it be demanded; In name of *Blench*, i. *Nomine alba firma.* See *Alba firma*.

**Blockwood.** See *Logwood*.

**Blomary** (*Anno 27 Eliz. cap. 19.*) The first Forge in an Iron Mill, through which the Iron passeth, before it comes to the *Finery*.

**Bloated**



**Bloated Fish or Herring** (*Anno 18 Car. 2. cap. 2.*) are those which are half dried, perhaps from the Sax. BloTan, to kill and offer in Sacrifice.

**Bloudy hand**, Is one of the four kinds of Offence in the Kings Forfeiture, by which the Offender is supposed to have killed a Deer. See *Backberend*. In Scotland in such like Crimes, they say, *Taken in the Faß*, or with the Red hand.

**Bloudwit or Blodwite** (compounded of the Saxon Bloð, i. sanguis, and wita, multa,) Is a word used in ancient Charters of Liberties, and signifies an Amercement for shedding Blood; so that whosoever had it given him in his Charter, had the penalty due for Blood-shed. *Skene* writes it *Boudweit*, and says *weit* in English, is *injuria*, and that *Bloudweit* is an Amercement or *unlaw* (as the Scotch call it) for wrong or injury, as Blood-shed is: For he that hath *Bloodweit* granted him, hath free liberty to take all Amerciements of Courts for Effusion of Blood. *Fleta* says, *Quod significat quietantiam misericordie pro effusione sanguinis*, Lib. 1. cap. 47. *Blodwite*, i. *Si aliqui pugnant ad invicem in Rudham & extraxerint sanguinem, Prior habebit inde amerciamenta in Curia sua*. Ex Reg. Priorat. de Cokesford.

**Blubber** (*Anno 12 Car. 2. cap. 18*) A kind of Whale-Oyl, so called; before it is thoroughly boiled and brought to perfection.

**Book-hord**, (Sax.) A place where Books, Evidences, Writings, or other like Minuments are kept, as the Rolls, *quasi*, *Librorum horreum*.

**Bookland** (Sax.) *Terra Hereditaria vel testamentalis, quasi*, Bookland. A Possession, an Inheritance; a Territory, Farm or House, with Land belonging to it, held by Evidence in Writing. *Bookland vero ea possidendi transferendique lege coerceretur, ut nec dari licuit nec vendi, sed heredibus relinquenda erat, inscriptum aliter permitteretur; Terra inde Hereditaria nuncupata*. LL. Aluredi, cap. 36. See *Charterland*, and *Landbuc*. And see *Glossarium in decem Scriptores*.

**Bodies Politick**. See *Corporation*.

**Boilary or Bullary of Salt** (*Salina*) A Salt-house or Salt-pit, where Salt is boiled and made. *Coke on Littl.* fol. 4. b. From the Fr. *Bouillon*, a boiling or bubbling.

**Bolting**, At *Greys-Inn* the manner is thus, An *Ancient*, and two *Barristers* sit as Judges, three *Students* bring each a Case, and the Judges chuse which of them shall be argued; which done, the *Students* first argue it, then the *Barristers*. It is interior to *Mooting*, and may be derived from the Saxon Bolt, a House; because done privately in the House for Instruction. In *Lincolns Inn* in Vacation time, Monday and Wednesday are the Bolt-days; Tuesday and Thursday the Moot-days, but in Term time, *è contra*.

**Bona fide**, i. With a good Faith; we say that is done *Bona fide*, which is done really,

with a good Faith, without dissimulation or fraud. It is used *Anno 12 Car. 2. cap. 18.* and *15 Car. 2. cap. 5.*

**Bona gestura**, Good abearing or good behavior. — *Et si per favorem vel aliquos manutentores renuerit invenire sufficientem securitatem de sua bona gestura erga Balivos & Comburgenses, &c. a pradiis Burgo ejiciatur*. MS. Codex de LL. Statutis & Consuetud. Burgi Villæ Mountgomer, fol. 45.

**Bonaght or Bonaghty**, Was an Exaction in Ireland, imposed on the Subjects at the Will of the Lord, for relief of the Knights called *Bonaghts*, who served in the Wars. *Antiq. Hibern.* pag. 60. *Camden* (in his *Britan. iii. Desmond*.) says, *James Earl of Desmond* imposed upon the People those most grievous Tributes of *Cogn*, *Livery*, *Cocherings*, *Bonaghty*, &c.

**Bona notabilia**; Where the party dying hath, at time of his death, Goods, or good Debts in any other Diocese, or peculiar Jurisdiction within that Province, besides his Goods in the Diocese where he dies, amounting to the value of 5 l. at the least, he is said to have *Bona notabilia*; and then the Probat of his Will, or granting Administration belongs to the Archbishop of the Province, whether it be within that of *Canterbury* or *York*. But this does not prejudice those Dioceses, where by Composition or Custom, *Bona notabilia*, are rated at a greater sum. *Book of Canons*, 1 *Fac. Can.* 92, 93. *Perkins*, *sect.* 489. See *Probat of Testaments*.

**Bona Patria**, An Assise of Country-men or good Neighbors; sometimes it is called, *Assisa bona Patria*, when twelve or more men are chosen out of any part of the Country to pass upon an Assise; otherwise called *Juratores*, because they are to swear judicially in presence of the party, &c. according to the practice of Scotland. *Skene*. See *Assisors*.

**Bond, Bondage, and Bond-men**. See *Nativus*. *Bonamen* in *Doomsday* are called *Servi*, and differed from *Villani*. — *Et de toto tenemento, quod de ipso tenet in Bondagio in Sura de Nortone cum pertin.* Mon. Angl. 2 par. fol. 609. a.

**Bonis Arrestandis**, Is a Writ, which see in *Arrestandis bonis*.

**Bonis non amovendis**, Is a Writ to the Sheriffs of *London*, &c. to charge them, that one against whom a Judgment is obtained in an Action, and who prosecutes a Writ of Error, be not suffered to remove his Goods, till the Error be tried. *Rec. of Writs*, fol. 131. b.

**Booting or Boting Corn**, Certain Rent-Corn anciently so called. The Tenants of the Manor of *Haddenham* in *Com. Bucks*, heretofore paid *Booting Corn* to the Prior of *Kochester*. *Antiquity of Purveyance*, fol. 418. Perhaps it was so called, as being paid by the Tenant, by way of *Bote* (*Boos* we still call it) or compensation to the Lord, for his making them Leases, &c. See *Bote*.

**Bordagium**, The Tenure of *Bord-lands*, which see. *Item ordinatum est, quod omnes qui*  
servas

terras & tenementa tenent per Bordagium, habent super singulis Bordagiis, quæ per prædictum servitium tenentur, capitalem quandam mansionem in loco ad hoc consueto, &c. Ordinac. Justic. Itin. in Insula de Jersey.

**Bordarii** seu **Borðuanni**, Often occur in *Doomsday*; by some esteemed to be Bores, Husbandmen, or Coragers; which are there always put after Villains. *Dicantur Bordarii vel quod in tuguriis (quæ Cottagia vocant) habitabant, seu villarum limitibus, quasi Boderers.* *Speim. Tenentes per servitia plus servitia quam villani, & qui tenent nisi paucas acras, M. S. but see Bordlands.*

**Bord-halpeny** (Sax. Bopð, *tabula*, and *halpeny*, *obolus*) is Money paid in Fairs and Markets for setting up Tables, Bords, and Stalls, for sale of Wares. *In antiquis Chartis multi immunes sunt ab ista solutione, says Spelman.* It is corruptly written *Burhalpeny* and *Brodhalpeny* in some Authors.

**Bordlands**, The Lands which Lords keep in their hands for maintenance of their Bord or Table. *Est Dominium quod quis habet ad mensam suam & propriam, sicut sunt Bordlands.* *Anglicè, i. Dominium ad mensam.* *Brañ. lib. 4. trañ. 3. cap. 9. num. 5.* Which possession was anciently termed *Bordage*. *Sax. Dist. verbo Bord.* And the *Bordarii* (often mentioned in *Doomsday*) were such as held those Lands, which we now call *Demain Lands*. See *Antiq. of Purveyance*, fol. 49.

**Bord service**, Is a Tenure of *Bord-lands*; by which some Lands in the Manor of *Fulham* in *Com. Middlesex*, and elsewhere, are held of the Bishop of *London*, and the Tenants do now pay six pence per Acre in lieu of finding provision anciently for their Lords *Bord-or* Table.

**Borg-hypce** (Sax.) A violation of Suretyship, Pledge-breach.

**Borow** or **Borough** (Sax. *Bophoc*, *Fr. Burg*) Signifies a Corporate Town, which is not a City. *Anno 2 Edw. 3. cap. 3.* As also such a Town or place as sends Burgesses to Parliament, the number whereof you may see in *Crompt. Jurisd.* fol. 24. Probably *Borhoc* was anciently taken for those Companies, consisting of Ten Families, which were combined to be one another's Pledge. See *Brañon*, lib. 3. trañ. 2. cap. 10. and *Lambert's Duty of Constables*, pag. 8. *Verstegan* says, That *Burg* or *Burgh*, whence we say *Borough*, signifies a Town, having a Wall or some kind of Enclosure about it; and that those places which in old time had among our Ancestors the name of *Burg* or *Borough*, were one way or other fenced or fortified: Yet sometimes it is used for *Villa insignior*, or Country Towns of more than ordinary note, not walled.

**Borow-head** alias **Head-borow** (from the Sax. *bophoc* and *Head*) signifies (according to *Lambert*, in his *Treatise of Constables*) the *Head-man* or chief pledge of the Decury or *Borow*, chosen by the rest to speak and act in their name, in those things that concerned them.

**Borow-holders** alias **Burtholders**, quasi *Borhoc-calders*, are the same with *Borowheads*. *Brañon* calls them *Borgby-Alders*, lib. 3. trañ. 2. cap. 10.

**Borow-English** (Sax. *Bophoc Englisc*) Is a customary descent of Lands, whereby in all places, where this Custom holds, Lands and Tenements descend to the youngest Son; or, if the owner have no Issue, to his youngest Brother, as in *Edmuntton*. *Kitchin*, fol. 102. And the reason of this Custom (according to *Littleton*) is, For that the youngest is presumed in Law, to be least able to shift for himself.

**Borow Goods Divisible**. These words are found in the Statute of *Alton Burnel*, 11 *Edw. 1.* As, before the Statutes of 32 & 34 *Hen. 3.* no Lands were Divisible at the Common Law, but in ancient Baronies; so perhaps, at the making of the foresaid Statute of *Alton Burnel*, it was doubtful, whether Goods were Divisible, but in ancient *Borows*. For it seems by the Writ *De rationabili parte bonorum*, anciently the Goods of a Man were partable between his Wife and Children.

**Borhalpeny**. See *Bord-halpeny*.

**Boscage** (*Boscagium*) Is used for that Food, which Wood and Trees yield to Cattle, Mast: From the *Ital. Bosco, Sylva*. *Howbeit Manwood* says, To be quit *de Boscagio*, is to be discharged of paying any duty of *Windfal-wood* in the Forest.

**Boscaria** — *Ut ipsi possunt domos & Boscaria suis competentia edificare* — *Mon. Angl. 2. p. fol. 302.* It may either signifie Wood-houses, from *Boscus*; or Ox-houses, from *Bos*.

**Boscus** Is an ancient Word used in the Law of *England*, for all manner of Wood. The *Italian* useth *Bosco* in the same sence, and the *French, Bois*. *Boscus* is divided into High-wood or Timber (*Haut-bois*) and Copice or Under-wood (*Sub-bois*.) High wood is properly called *Saltus*, and in *Fleta*, *Macremium*. — *Cum una Carecta de mortuo Bosco.* *Par. 10. H. 6. par. 1. m. 4. per Inspe.*

**Bote** (Sax.) Compensation, recompence, satisfaction, or amends. Hence *Man-bote*, alias *Monbote*, Compensation or amends for a Man slain, who was bound to another: In *King Ina's* Laws set out by *Lambert*, cap. 96. you may see what rate was ordained for expiation of this offence. Hence also our common phrase *to boot*. i. *compensationis gratia*. See *Hedge-bote*, *Plow-bote*, *House-bote*; and see *Skene*, verbo, *Bote*.

**Boteless**, In the Chartre of *Hen. 1.* to *Tho. Arch-bishop of York*, it is said, That no Judgment or sum of money shall acquit him that commits *Sacrilege*, but is in English called *Boteless*, i. without emendation. *Lib. albus penes Cap. de Subnet. Ans. Plac. Trin. 12 Edw. 2. Ebor. 48.* We retain the word still in Common Speech. See *Fridfol*.

**Botha**, A Booth, Stall, or Standing, made in Fairs or Markets. — *Et duas mansuras liberas ad Bothas suas faciendas.* *Mon. Angl. 2 p. fol. 132.*



**Bottler of the King** (*Pincerna Regis*) Anno 43 Edw. 3. cap. 3. Is an Officer that provides the Kings Wines; who (according to *Fleta*, lib. 2. cap. 21.) may by vertue of his Office out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis, & aliud in puppi, & pro qualibet pecia reddere tantum 20 solid. Mercatori. Si autem plura inde habuere voluerit, bene licebit, dum tamen precium fide dignorum iudicio pro Rege apponatur.*

**Bottomry or Bottomary** (*fanus nauticum*, An. 16 Car. 2. cap. 6.) Is, when the Master of a Ship borrows Money upon the Kiel or Bottom of his Ship, and binds the Ship it self, That if the Money be not paid by the day assigned, the Creditor shall have the Ship. *Cum Bottomage est quand argent est borrow sur Kiel del Neif, & le Neif oblige al payment de ceo. Viz. Si ne soit pay al temps, que l'autor avera le Neif, Latches Rep. fol. 252. Scarboroughs Cafe.*

Others define it thus, When I. S. lends Money to a Merchant, that wants it to Traffick, and is to be paid a greater sum at the return of the Ship, standing to the hazard of the Voyage; and though the profit be above six per cent, it is not reckoned Usury.

**Bovata terra**, Is as much as one Ox can Plough in a year, *Obō bovata terra faciunt carucatam terrā, vñ carucata faciunt unum Feodum Militis. XVIII acra faciunt Bovatam terrā. Mr. S. cum notis in Statut. — Cujus singula Bovata, sunt quindecim acrarum terra. Mon. Angl. par. 3. fol. 91. b. See Ox gang.*

**Bouche of Court**, or (as the vulgar call it) **Budge of Court**, Is to have meat and drink scot-free there: For so is the Fr. *Avoir Bouche* a Court, to be in Ordinary at Court. Sometimes it extended only to Bread, Beer and Wine. And this was anciently in use as well in the Houses of Noblemen, as in the Kings Court; as appears by *Ceste Endenture*.

**Ceste Endenture fait parentre lui Nobles hommes Monsieur Tho. Beauchamp, Counte de Warwyke, d'une part, & Monsieur Joh. Russel de Strengesham Chevalier a'autre part, tesmoigne que le dit Monsieur Johan est demouré avec le dit Counte pur terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Counte annuellement vint livres, de la vie du dit Monsieur Johan, del Manoir le dit Counte de Chedworth en le Countee de Gloucester, & pur la guerre quarant livres, & serra paie annuellement as termes de la Nativitee Seinte John le Baptiste & de Nowel per vels portions des issues du dit Manoir de Chedworth, per les mains del gardein de mesme le Manoir, & avera le dit Monsf. Johan pur la pees, quant il serra maunde de venir al dit Counte, Bouche au Court pur lui mesme, un Chamberlein & un Garson, seyn, provendre & Ferrure pur trois Chevaux pur la temps de sa demoure, Et pur la guerre le dit Monsf. Johan Montra lui mesme convenablement, & avera Bouche au Court, ou liverie pur lui mesme, une Chamberlein & trois Garsons, ou gages al afferant & seyn, provendre & Ferrure pur cynk chevaux en ma-**

**nere come autre de son estat, avec le dit Counte, prendront. Et si il preigne prisonier, soit entre le dit Counte & le dit Monsf. Johan, si come il fait parentre lui & autres Bachuliers de sa retenue pur terme de vie. Et voet & grante le dit Counte per cestes presentes Lettres, que si la dite rent annuelle de xx l. pur la pees, ou de xl l. pur la guerre soit a derere & nyent paye pur un moy apres ascun des termes avantditz, que bien lise au dit Monsf. Johan ou son Attornie en celle partie en le dit Manoir de Chedworth destreindre pur les arrearages de la dite rent, &c. Done a nostre Chastel de Warwyke le xxix. jour del mois de Marcz l'an du regne le Roy Richard Second, puis le Conquest, fisme.**

**Boverium vel Boveria**, An Ox-house or Ox-stall — *Ad faciendum ibi Boverias suas & alias domus usus necessarias, &c. Mor. Angl. 2. par. fol. 210. a. Loca ubi stabulantur Boves; according to Gloss. in x. Scriptores.*

**Bound** (*Bunda*) — *Secundum metas, marae, bundas, & Marchias Foresta, 13 Edw. 3. liti. Pick. fol. 6. Sir Edw. Coke in 4 Inst. fol. 318. derives it from the Saxon, Bunna, but the Saxon Dictionary affords no such word.*

**Bowbeater**, Is an under Officer of the Forest, whose Oath will inform you the nature of his Office in these words.

**I Will true Man be to the Master of this Forest, and to his Lieutenant, and in their absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail, and South Bail of this Forest, and of all manner of Trespass done, either to Vert or Venison, I shall truly endeavor to attach, or cause them to be attached, in the next Court of Attachment, there to be presented, without any concealment had to my knowledge. So help me God.** Crompt. Jurisd. fol. 201.

**Bracenarius** (*Fr. Bracconiter*) A Huntsman. *Rex mandas Baronibus quod allocent Rob. de Chadoworth Vic. Linc. lvi. s. vii. d. quos per preceptum Regis liberavit Joh. de Bellovento pro putura Septem Leporariorum & trium Falconum & Lanerar. & pro vadiis minus Bracenarii a die Sancti Joh. Bapt. Anno 14 usq; ad Vigil. Sancti Mich. prox. sequen. utroq; die computato, viz. pro putura cujuslibet Leporarii & falconis i. d. ob. & pro vadiis pradii Bracenarii per diem ii. d. Com. de Anno 26 Edw. 1. Rot. 10. in Dorso.*

**Bracheta**, *Conis famina, qua Leporem vel Vulpem ex odore persequitur, vulgò à Brache, Gal. Brachet. — Et duos Leporarios & quatuor Brachetas ad capiendum Leporem & Vulpem. Carra 11 Ed. 2.*

**Bracina**, A Brewhouse. *M. S. penes Wil. Dugdale, Mil.*

**Bractinum**, A Brewing, the whole quantity of Ale brewed at one time, for which *Tussler* was paid the Lord in some Mannors. See *Gavelcester*.

**Brastare**. *Cujuscunq; Uxor Brastabat intus & extra civitatem Heref. dabat x denarios. Domesday. To Brew.*

**Bras**

**Brasiatrix**, A shee Brewer. *Si qua Brasia-  
trix brasiauerit Cerviciam, solvet Tolfester. Reg.  
Priorat. de Thurgarton.*

**Brandy**, A kind of Spirit or Strong-wa-  
ter, made chiefly in France, and extracted  
from the Lees of Wine or Cider, mentioned  
in the Act, 20 Car. 2. cap. 1. Upon an Argu-  
ment in the Exchequer, Anno 1668. Whether  
Brandy were a Strong-water or Spirit, It was  
resolved to be a Spirit. But 25 Nov. 1669. by  
a Grand Committee of the whole House of Com-  
mons, it was voted to be a Strong-water, per-  
fectly made. See the Stat. in pursuance there-  
of, 22 Car. 2. cap. 4.

**Brasium**, Malt: In the ancient Statutes  
Brasiator is taken for a Brewer, from the Fr.  
Brasseur; and at this day also for a Maltster or  
Malt-maker. It was adjudged, 18 Edw. 2. *Quod  
venditio Brasii non est venditio viualium, nec  
debet puniri sicut venditio Panis, vini & Cer-  
visia & hujusmodi contra formam Statuti.*

**Breach Carnium**. Per Breach Carnium  
Thomas Crew, (Magister Hospitalis Sancti Jo-  
hannis Baptista extra portam borealem Cestriae)  
clamat, quod omnes tenentes sui, infra eorum  
libertates residentes, sine quieti de venditione car-  
nium. Pla. in Itin. apud Cestriam 14 Hen. 7.

**Bread of Treet or Trite**. (Panis Tristici,  
Bread mentioned in the Statute of Assise of  
Bread and Ale, 31 Hen. 3. Stat. 1. where we  
read of Washt Bread, Cocket Bread and Bread  
of Treet, which I think do gradually corre-  
spond with what we now call White, Wheaten,  
and Bouted or Course Bread. Heretofore in  
Religious Houses they distinguished Bread by  
these several Names, Panis Armigerorum,  
Panis Conventualis, Panis puerorum and Panis  
famulorum. Antiq. Nott. See Cocket.

**Brecca** (Perhaps from the Fr. breche, a  
breach in a Wall.) I have seen a Deed, with  
Covenant for Repairing—Muros & Breccas,  
portas & fossata Castellii. Sine Dat.—De Brecca  
aqua inter Woolwich & Greenwich supervidend.  
Pat. 16 Ric. 2. Dorso.

**Bred**, Is used by Brañon, lib. 3. trañ. 2.  
cap. 15. for Broad, Too long and too bred.

**Brehon**, The Irish call their Judges and  
Lawyers Brehones, and thereupon the Irish  
Law was anciently called the Brehon Law.  
See 4 Inst. fol. 358.

**Bretoyse or Bretois**—Sciatis—quod ego  
Henricus de Penebrugge Dedi—Omnibus liberis  
Burgensibus meis Burgi mei de Penebrugge omnes  
libertates & liberas consuetudines secundum le-  
gem de Bretoyse nundinis & feriis appurtin.  
Secundum tenorem Chartae Domini Henrici Regis  
quam habeo. Habendum, &c. sine dat. Secun-  
dum legem de Bretoyse, must certainly signifie,  
Legem Merciarum; or, The Law of the Bri-  
tains, or Welshmen: For Penebrugge (now  
Pembroke) is a Town in Herefordshire, border-  
ing upon Wales.

**Brevis & Rotulis liberandis**, Is a  
Writ of Mandat to a Sheriff to deliver unto  
the new Sheriff, chosen in his Room, the County

and the appurtenances, with the Rolls, Briefs,  
Remembrances, and all other things belonging  
to that Office. Reg. of Writs, fol. 295. a.

**Bybery** (from the Fr. Briber, to devour  
or eat greedily) Is a great misprision, when  
any man in judicial place takes any Fee, Pen-  
sion, Gift, Reward, or Brocage, for doing his  
Office, but of the King only. Fortescue, cap. 51.  
and 3 Inst. fol. 145.

**Bribour** (Fr. Bribeur, i. a Beggar) Seems  
to signifie in some of our old Statutes, one  
that Pillers other Mens Goods, as Cloaths out  
of a Window, or the like.

**Brief** (breve) Signifies a Writ, whereby a  
Man is summoned or attached to answer any  
Action; or (more largely) any writ in Wri-  
ting, issuing out of any of the Kings Courts  
of Record at Westminster, whereby any thing is  
commanded to be done in order to Justice, or  
the Kings command, and is called a Brief, or  
Breve; Quia Breviter & paucis verbis intentio-  
nem proferentis exponit & explanat, sicut regula  
juris rem qua est Breviter enarrat, says Brañon,  
lib. 5. trañ. 5. cap. 17. num. 2. Also Letters  
Patent or a Licence from the King or Privy  
Council, granted to any Subject to make a  
Collection for any publick or private loss, is  
commonly stiled a Brief. See Writ.

**Briga** (Fr. Brigue, i. debate or contention)  
—*Ut possit terram illam in Brigam & intricatam  
terram, scilicet, per diversa fraudulenta Feeffa-  
menta; Ideo committitur Marefc. Ebor. Hil.  
18 Edw. 3. Rot. 29.*

**Brigandine** (Fr.) A Coat of Mail, or a  
fashion of ancient Armor, consisting of many  
joyned and Scale-like Plates, very pliant un-  
to, and easie for the Body, mentioned Anno  
4 & 5 Phil. & Mar. cap. 2. Some confound it  
with Haubergeon; and some with Brigantine,  
(in writing which, there is only the d turned  
into t) which signifies a low, long, and swift  
Sea-Vessel, having some twelve or thirteen  
Oars on a side.

**Brig-bote or Brug-bote**, Significant quiet-  
tantiæ reparations Pontium. Flea, lib. 1. cap.  
47. Pontis restitio vel restauratio. It is com-  
pounded of (Brig) a Bridge, and (Bote) which  
is a yielding of amends, or supplying a defect.  
See Bote and Seldens Titles of Honour, fol. 622.  
Arcis pontisque constructio.

**Brocage** (Broccagium, Anno 12 Ric. 2. cap.  
2.) Means used by a Spokesman; the Wages,  
Hire, or Trade of a Broaker. Anno 1 Jac.  
cap. 21. it is written Brokerage. An. 11 Hen.  
4. num. 28. not Printed. —Ex Broccagio, vel  
alio sinistro pacto. Rot. Stat. 31 Ed. 3. m. 11. 12.

**Broccella**—Dedi unam Broccellam vocat.  
Rahag. Reg. de Thurgarton. Dr. Thoroton inter-  
prets it a Wood. I have not elsewhere met with  
the word; nor know I whence to derive it.

**Brochia** (from the Fr. broc, Quod lagenam  
majorem aut cantharum significat.) Si quis teneat  
per servitium inveniendi Domino Regi, certis locis  
& certis temporibus, unum hominem & unum e-  
quum & Saccum cum Brochia pro aliqua necessi-  
tate, vel utilitate exercitum suum contingentem.  
Brañon,



**Brazen**, lib. 2. traſt. 1. cap. 6. By which it ſhould ſeem *Saccus* was to carry the dry, and *Brochia* the liquid things. See *Saccus*.

**Brodehalfpeny**, *Reſiſ* *Bordhalfpeny*, Signifies a ſmall Toll, by Cuſtom paid to the Lord of the Town, for ſetting up Tables, *Bords*, or Booths, in a Fair or Market: From which, they who are freed by the Kings Charter, had this word in their Letters Patent; in ſo much, as now the freedom it ſelf (for ſhortneſs of Speech) is termed *Bordhalfpeny*. See *Bordhalfpeny*.

**Brooggers**. Vide *Brokers*.

**Brokers** (*Broccatores*, *Broccarii* & *Auxionarii*) Are of two forts, the one an *Exchange-Broker*, whoſe Trade is to deal in matters of Money and Merchandiſe between Engliſh-men and Stranger-Merchants, by drawing the Bargain to Particulars, and the Parties to Conclusion; for which they have a Fee or Reward. Theſe are called *Brooggers*, Anno 10 Ric. 2. cap. 1. and in Scotland *Broccarii*, that is (according to *Skene*,) Mediators or Interceſſors in any Tranſaction, Paſſion, or Contract, as in Buying, Selling, or Contracts of Marriage. *Brooggers of Corn*, Are uſed in a Proclamation of *Q. Elizabeth* for *Badgers*, *Bakers Chron.* fol. 411. He that would know what theſe *Brokers* were wont, and ought to be, let him read the Statute of 1 Jac. cap. 21. The other is the *Pawn-Broker*, who commonly keeps a Shop, and lets out Money to poor and neceſſitous people upon Pawns, not without Extortion for the moſt part: Theſe are more properly called *Friperers* or *Pawn-takers*, and are not of that antiquity or credit as the former; nor does the ſaid Statute allow them to be *Brokers*, though now commonly ſo called.

**Brothel-houſes**. King *Henry* the Eighth, by Proclamation 30 Martii. 37 of his Reign, ſuppreſſed all the Stews or *Brothel-houſes*, which long had continued on the Bankside in *Southwark*; for that they were prohibited by the Law of God, and Law of this Land. 3 Inſt. fol. 205. And Rot. Parl. 14 R. 2. num. 32.

**Brucium & Bruyrium**. — *Sciunt quod ego Thomas de Eſtley miles dedi — totam terram meam de Morton, cum Bruario quod vocatur le Chaleng.* Ex M. S. penes Will. Dugdale Arm. Heath, or the ground where Heath grows. See *Bruyere*.

**Buck-bote** (from the Germ. *Buck*, i. Bridge and *Bote*, i. Compensation) Signifies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereof many are freed by Royal Charter; and thereupon the word is uſed for the very liberty or Exemption it ſelf. See *Pontage* and *Brig-bote*.

**Bruella**, Perhaps a little Wood or Heathy Ground. — In *Dominicus Boſci Domini Episcopi*, ſcil. in *bruellis ex parte aſtrali Regii itineris*. Reg. Priorat. de *Wermley*, fol. 24.

**Brufere** (Fr. *Bruyere*, Lat. *Bruyrium*, *erica*, quaſi *erectum*) Heath and Heath-ground. *Paſſura xi quarentenarum & dimid. longitudine & latitudine*. *Bruaria 2 leucarum longitudine &*

*latitudine*, *Domeſd. Tit. Dorſet. Eccleſ. Creneburn. Ingeliſham. Hac autem appellatione Forenſes vocant ſteriles camporum ſolitudoſes, licet ericam non edant, Heath-ground, Spel.*

**Brufua & Brufula**, *Browſe* or *Bruchwood*. Mon. Angl. 1 par. fol. 773.

**Brushment** (*Carta Foreſte cap. 14.*) *Brushwood*.

**Bucklarium**, A *Buckler*. — *Et quod malefactores noſtrant cum gladiis & Bucklariis, ac aliis armis, &c.* Clauſ. 26 Edw. 1. m. 8. intus.

**Buckſall**. — *Et ſint quieti de Cbevagio, Hondpeny, Buckſall, & Triſtris, & de omnibus miſericordiis, &c.* Privileg. de *Semplingham*. By the Stat. 19 Hen. 7. cap. 11. it ſeems to be a *Deer-hay*, *Toyl*, or great Net to catch Deer with; which by the ſaid Statute is not to be kept by any Man that hath not a Park of his own, under pain of 40 l.

To be quit of *Buckſals*, i. *Ubi homines convenire tenentur, ibidem convenire ad ſtableſiam faciendam circa ſeras & ad caſdem congregand. quietum eſſe de hoc ſervitio, quando Dominus chaſea-verit.* 4 Inſt. fol. 306.

**Buck-wheat**, (Mentioned in the Statute 15 Car. 2. cap. 5.) Is otherwiſe called *French Wheat*, and well known. In *Effex* it is called *Brank*; in *Worceſterſhire*, *Crap*.

**Budge of Court**. See *Bouche*.

**Buggery** (According to *Sir Edward Coke*, Rep. 12. pag. 36.) Comes from the Ital. *Buggerare*, to *Bugger*, and is deſcribed to be *Carnalis copula contra naturam, & hac vel per confuſionem ſpecierum, ſc.* A Man or a Woman with a *Bruit Beaf*, vel *ſexuum*; A Man with a Man, or a Woman with a Woman. This offence committed with Mankind or Beaf, is Felony without Clergy; it being a ſin againſt God, Nature, and the Law, and was brought into England by the *Lombards*, as appears by Rot. Parl. 50 Edw. 3. num. 58. See the Stat. 25 H. 8. cap. 6. revived 5 Eliz. 17. *Fitz. Nat. Br.* fol. 269 b. In ancient time ſuch Offenders were burnt by the Common Law. This moſt deteſtable ſin was juſtly excepted out of the Act of General Pardon, 12 Car. 2. cap. 8.

**Bull** (*Bulla*, Ital *Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in faſhion of a Heart to hang about their Necks; but now it is moſt uſually taken for a Brief or Mandate of the Pope, or Biſhop of Rome, from the Lead or ſometimes golden Seal affixed thereto; which *Matthew Paris* Anno 1237. thus deſcribes. In *Bulla Domini Papa ſtat imago Pauli a dextris Crucis in medio Bullæ figurata, & Petri a ſiniſtris*. The word is often uſed in our Statutes, as 28 Hen. 8. cap. 16. 1 & 2 Phil. & Ma. cap. 8. and 13 Eliz. cap. 2. *Non ſolum ſigillum ſignificat imprimens & impr. ſum, ſed ipſus etiam literas bullatas & interdum ſchedutam ſeu billam. Miſiſ quoque Archiepiſcopus (Cantuariæ) Regi & Conſilio ſuo ſchedulam ſive Bullam, in hunc modum continentem, &c.* *Spelm. William de Brinkley* recovered by Verdict againſt *Oſko*, Parſon of the Church of *Beſton*

*Beſton* 10 l. Pro ſubſtractione unius Bullæ Papa-  
lis de Ordinibus, alterius Bullæ de legitimatione,  
& tertia Bullæ de veniam exorantibus pro ani-  
mabus antecſſorum ſuorum. Trin. 4 Edw. 3.  
Rot. 100. Bulla, Olim ſigillum ſignificans. Gloſſ.  
in x. Scriptores. Per hanc Chartam aurea Bulla  
munitam. Carta 15 Johannis, n. 31. intus.

**Bullenger.** The Commons do Petition,  
that certain Commiſſions lately ſent to Cities  
for the making of certain Boats and Bullengers,  
being done without conſent of Parliament,  
might be repealed. Rot. Parl. 2 Hen. 4. num. 22.  
See *Balenger*.

**Bullion** (Fr. *Billon*, i. The Metal whereof  
baſe Coyn is made) Signifies with us Gold or  
Silver, in Maſs or Billet. Anno 9 Edw. 3. Stat.  
2. cap. 2. And ſometimes the Kings Exchange  
or place, whether ſuch Gold in the Lump is  
brought to be tryed or exchanged. 27 Edw. 3.  
Stat. 2. cap. 14. And 4 Hen. 4. cap. 10.

**Bullion** ſeems alſo to ſignifie of old, a  
quantity of Salt, according to Gervafe of Til-  
bury, writing of the Salt Springs in Worceſter-  
ſhire.

**Bulcel**, Is the reſuſe of the Meal, after it is  
dreſſed by the Baker; alſo the Bag wherein it  
is dreſſed. I find the word mentioned in  
*Aſſiſa panis & Cerviſie*. Anno 51 Hen. 3. Hence  
*Bulcel Bread*, Courſe Bread.

**Bunda**. See *Bound*.

**Burcheta** (from the Fr. *Berche*) A kind of  
Gun, mentioned in the *Forest Records*.

**Burcifer Regis** (Pat. 17 Hen. 8. p. 1. m. 2.  
Porſe-bearer, or Keeper of the Kings Pri-  
vy Purſe.

**Burg or Borough** (*Burgus*) See *Borow*.

**Burgage** (*Burgagium*, Fr. *Bourgage*) Is a  
tenure proper to *Boroughs*, whereby the Inha-  
bitants by ancient Cuſtom, hold their Lands or  
Tenements of the King, or other Lord of the  
Borough, at a certain yearly Rent. It is a kind  
of *Soccage*, ſays *Stowburn*, pag. 3. See 3. num.  
6. *Ad militiam non pertinet, habetur ideo inter  
ignobiles tenuras*. Mentioned 37 Hen. 8. cap. 20.  
Item non utimur facere fidelitatem vel Servicium  
forinſecum Dominis feodorum pro terris & tene-  
mentis noſtris, niſi tantummodo redditus noſtros  
de iſdem terris exeuntes; quia tenemus terras &  
tenementa noſtra per Servicium Burgagii, ita  
quod non habemus Medium inter nos & Dominum  
Regem. MS. Codex de LL. Statutis & Conſue-  
tud. Burgi-villæ Mountgomer, a temp. Hen. 2.  
*Burgage* was alſo anciently uſed for a Dwelling  
houſe in a *Borow-Town*.

*Sciam — Quod ego Editha filia Johannis de  
Aula in lege virginitate & potestate mea dedi  
— Deo & Beate Maria & omnibus Sanctis & Ele-  
emoſinaria Leominſtr. pro ſalute Anima mea  
— In liberam puram & perpetuam Eleemoſinam  
totum illud Burgagium cum edificiis & pertin. ſuis  
quod jacet in Villa Leominſtr. Ex libro cartarum  
Priorat. Leom.*

**Burghbrech** alias *Borrbrech* (Sax. *Burph-  
byec*. i. *Fidejuſſionis fractio*; vel *plegi violat-  
io*) Angli omnes decemvirali olim fidejuſſione  
pacem regiam ſtipulati ſunt; quod autem in hanc

commiſſum eſt, *Burghbrech* dicitur, ejuſque  
cognito & vindicta, Regis Chartis, plurimis cre-  
debantur, pro quorum dignitate, multa alias le-  
vior fuit, alias gravior. Vide LL. Canuti, cap.  
55. *Burghbrech*, i. *Laſio libertatis aut ſepti*.  
Gallicè, *bleſmure de Courte ou de cloſe*. Polychr.  
lib. 1. cap. 50.

**Burghbote** (Sax. *Burp*, *Burph*, *Burgur*, and  
*Boſe*, *compensatio*) A Tribute or Contribu-  
tion, towards the building or repairing of Ca-  
ſtles or Walls of Defence; or towards the build-  
ing of a *Borow* or City. From which divers had  
exemption by the ancient Charters of the Saxon  
Kings; whence it is ordinarily taken for the  
liberty or exemption it ſelf. Raſſal. Significat  
(ſays *Fleta*) *quietantiam reparationis murorum ci-  
vitatibus vel Burgi*. Lib. 1. cap. 47.

**Burgherith**. — *Iſta conſuetudines pertinent  
ad Taunton, Burgherith, Latrones, Pacis in-  
fraſtio, Hanſfare, Denarii de Handret & Denarii  
S. Petri, &c.* M.S. Camdeni penes Will. Dug-  
dale, Armig. Quære.

**Burgemote** (Sax.) *Curia vel conventus  
Burgi vel Civitatis*; the *Borow-Court*. — *Et  
habeatur in anno ſex Burgeſmotus, & Schiremotus  
bis, niſi ſapius ſit, & interſit Episcopus & Al-  
dermannus, & doceant ibi Dei rectum & ſeculi*.  
LL. Canuti. MS. cap. 44.

**Burgesſes** (*Burgarii & Burgenſes*) Are pro-  
perly men of Trade, or the Inhabitants of a  
*Borow* or Walled Town; yet we uſually apply  
this name to the Magiſtrates of ſuch a Town,  
as the Bailiff and Burgesſes of *Leominſter*. But we  
do now uſually call thoſe *Burgesſes* who ſerve in  
Parliament for any ſuch *Borow* or Corporation.  
*Filius vero Burgenſis aetatem habere tunc intelli-  
gitur, cum diſerte ſciverit Denarios numerare &  
pannas ulnare & alia paterna negotia ſimiliter  
exercere*. Glanville, lib. 7. cap. 9. In Germany,  
and other Countries, they conſound *Burgesſes*  
and *Citizen*; but we diſtinguiſh them, as ap-  
pears by the Stat. 5 Rich. 2. cap. 4. where the  
Classes of this Commonwealth are thus enu-  
merated. Count, Baron, Banneret, Chivalier  
de Countee, Chezein de Ctee, Burgesſes  
de Burgh. See the Statute of Merton, cap. 7.  
And *Coke on Littl. fol. 80.*

**Burglary** (from the Fr. *bourg*, i. *pagus*,  
*villa*; and *larcin*, i. *furtum*; or *laron*, *fur*.  
*Coke lib. 4. fol. 39.*) Is a felonious entering into  
another Mans Dwelling-houſe, wherein ſome  
perſon uſually inhabits, or into a Church, in the  
night time, with intent to commit ſome Felony  
therein; as to kill ſome man, ſteal ſomewhat  
thence, or to do ſome other Felonious act,  
though he execute it not. The like offence by  
day, we call *House-robbery* or *House-breaking*,  
by a particular name. How many ways *Burg-  
lary* may be committed, ſee *Crompt. Juſt. of  
Peace, fol. 28, 29, 30.* and 3 *Pert. Inſt. fol. 263.* It  
ſhall not have benefit of Clergy, Anno 18 E-  
liz. cap. 7.

**Burghware** (q. *burgi vir*) A Citizen or  
*Burgesſes*. *Willelmus Rex ſalutis Willelmi Ep-  
iſcopum & Goffredum Portreſum & omnem  
Burghware infra London.* Charta Willelmi  
N ſen.



sen. Londinensibus confecta.

**Burlimen.** See *Sucking*.

**Barrochium,** A Burrock, or small Wear, where Weels are laid in a River, for the taking of Fish.

**Bursa,** A Purse. *Reddendo inde ad Bursam Abbati vi. d. ad Festum Sancti Michaelis, &c. Ex lib. Cartarum Priorat. Leominstr.*

**Bulca & Bucus** (Fr. *Busche*) Underwood, Biller, also Brushwood. *Rex, dilectis & fidelibus suis Rad. de Sandewico & Johanni de Blund. — quod rogorum artifices ipsos rogos qui in Civitate (London.) & villis pradiis, ex Bulca, vel carbone Bosci fieri consueverunt, jam de novo, prater solitum, ex carbone marino concremant & compununt. Pat. 35 Edw. 1. m. 4. dorso. See Buisa.*

**Busones Comitatus.** *Iusticiarii, vocati ad se quatuor vel sex vel pluribus de Majoribus Comitatu, qui dicuntur Busones Comitatus, & ad quorum nutum dependent vota aliorum, &c. Bracton, lib. 3. tract. 2. cap. 1. num. 1. Quarto.*

**Busta, & Bustus,** — *et anam Caratam Bustis singulis septimanis in Bosco pradiis. Mon. Angl. 1 par. fol. 473. b. Firewood, properly the loppings of Trees. Et auxi Joh. Ale Gate prist buche & Carbou a la mountance xxviii s. iij d. saumz paiement. Pla. Parl. 14 Edw. 2. Elsewhere I find, cum spinis & bustis, where it seems to signifie Trowse or Tynet for repair of hedges.*

**But (Butticum) Every But of Palmsey** to contain at the least 126 Gallons, *Anno 1 Ric. 3. cap. 13. There is also a measure called a Salmon-But, which contains 84 Gallons Lib. Assis. & Stat. 2. H. 6. 11.*

**Butlerage of Wines,** Signifies that Imposition upon Sale-Wine brought into the Land, which the Kings Butler, by vertue of his Office, may take of every Ship; that is, Two shillings of every Tun of Wine imported by Strangers. *Rot. Parl. 11 Hen. 4. Anno 1 H. 8. cap. 5. See more in Butler of the King, and Puilage. The Stat. 12 Car. 2. cap. 24. for taking away of Purveyance, Does not extend to pre-judice the ancient duties of Butlerage, and Puilage of Wines, but they are to continue as before the making this Act. See Calthrop's Reports of Special Cases, pag. 23. and 4 Inst. fol. 30.*

**Buttum terræ,** A But of Land. — *Dedi decem acras & unum Buttum terræ, cum caputis & Sidlingis prati ad eandem terram pertinentibus. Carta M. de Sibbeford, penes Wil. Dugdale, Mil.*

**Buzcarles or Buscarles** (*buscarli & bussecarli*) Sunt qui portus nauticos custodiunt: Mariners or Seamen. *Quando Rex ibat in expeditionem vel terra vel mari, habebat de hoc Mancio aut xx fol. ad pascendos suos Buzecarl, aut unum hominem ducebat secum pro bonore quinque Hidarum. Domest. tit. Wilsse. Wilton. And Sel-dom Mare clausum, fol. 134. where it is written Bussecarli.*

**Busones Judiciozumi.** *Placita de temp. Jo-*

*bannis Regis. Gloc. 139. See Busones Comitatus.*

**Byballe,** (*Anno 26 Hen. 8. cap. 6.*) See *Bid-ale.*

**Burlaw 62 Laws of Burlaw** (*Leges Russicorum*, from the Germ. *Baur*, i. *Russicus*, & *Lauch*, *Lex*.) Laws made by Husbandmen, or Townships, concerning Neighborhood, to be kept among themselves. *Skene, pag. 33. See Bilaws.*

## C.

**The Letter C** among the Ancients, denoted *Condemnation.* See *Ignoramus.*

**Cabliff** (*Cablicium*) among the Writers of the Forest Laws, signifies *Brush-wood, or Browse-wood.* *Crompt. Jurisd. fol. 163. But Sir Henry Spelman thinks, it more properly signifies Wind-faln-wood, because 'twas written of old Cadibulum, from cadere: or, if derived from the Fr. Chablis, it also signifies Wind-faln-wood. Item dicunt, quod Cepeg. & Cablicia vento prostrat. valent per an. dimid. Marca. Inq. de an. 47 H. 3. nu. 32. Et debent habere quicquid vento prostratur prater Cablicium, quod pertinet ad Dominum Regem. Rieley Pla. Parl. fol. 632.*

**Cabo bona speransa.** See *Cape of Good hope.*

**Cade of Herrings,** Is 500. Of *Sprats* 1000. *Book of Rates, fol. 45. Yet I find anciently 600. made the Cade of Herring, six score to the hundred, which is called, Magnum centum.*

**Calendring of Cloisted-stuffs** (mentioned 2 Hen. 8. cap. 4. and 25 ejusdem. cap. 5.) signifies to smooth, trim, and give them a gloss; it is a Trade both in *London* and *Norwich.*

**Calangium & Calangia,** Challenge, claim, or dispute. *Sciatis — quod ego Godofridus de Doddensul, cum assensu Amilia uxoris mee, dedi. — Deo & Beata Maria & Dominis meis Priori & Conventui Wigorn. in pura & perpetua elemosina unam acram terra — sine aliqua reclamazione seu calangio, &c. sine dat. penes Thomam Chyld Arm. — Boscum, qui fuit in Calangio inter ipsum & Walicrum. Mon. Angl. 2 par. fol. 252. b.*

**Calcetum, Calceata, Calces & Catia,** a *Causey* or *Causeway.* See *Causey.*

**Calends** (*Calenda*) properly the first day of every Month, being spoken by it self, or the very day of the New Moon, which commonly fall out together: If *Pridie* be placed before it, then it signifies the last day of the foregoing Month, as *Pridie Calend. Maii*, is the last day of *April*. If any number be placed with it, it signifies that day in the former Month, which comes so much before the Month named; as the Tenth *Calends* of *October*, is the Twentieth day of *September*, because, if one begin at *October*, and reckon backwards, that Twentieth day of *September* is the Tenth day before

before *October*. In *March*, *May*, *July*, and *October*, the *Calends* begin at the Sixteenth day, in other Months at the Fourteenth, which *Calends* must ever bear the name of the Month following, and be numbered backward from the First day of the said following Months. See more in *Hopton's Concordance*, pag. 69. And see *Ides*. *Diction de Kenelworth* is dated the day before the *Calends* of *November*, Anno 1256. In the Dates of Deeds, the day of the Month, by *Nones*, *Ides*, or *Calends*, is sufficient, 2 *Inst.* fol. 675.

**Calumniare**, To Challenge, or lay Claim unto. — *Ista terra calumniata Will. Chernet.* — *Domesday. ut. Hantshire.*

**Campertum**, Used for for a Corn Field. *Alicia de Chapele furabatur 35 garbas de Camperto Regis, de quo facto indictata, fugio ad Ecclesiam. Pet. in Parl. 30 Ed. 1.*

**Campfight**. See *Champion*, and 3 *Inst.* fol. 221.

**Candlemas-day**, (*Sax. Candelmæsse*) The Feast of the Purification of the Blessed Virgin Mary (1 Febr.) instituted in memory and honor, both of the Presentation of our Blessed Lord, and the Purification of the Blessed Virgin in the Temple of Jerusalem, the Fortieth day after her happy Child-birth, performed according to the Law of Moses, *Levit. 12. 6.* It is called *Candlemas*, or a *Mass* of *Candles*, because before *Mass* was said that day, the Church blessed, that is, deputed or set apart for sacred use, *Candles* for the whole year, and made a Procession with hallowed *Candles*, in the hands of the faithful, in memory of the Divine Light, wherewith Christ illuminated the whole Church at his Presentation, when old *Simon* stiled him, *A light to the Revelation of the Gentiles, and the Glory of his people Israel*, S. Luke 2. 32. This Festival day is no day in Court, and is the *Grand day* of *Candlemas* Term in the Inns of Court.

**Canes opertæ**. — *Et debent habere Canes opertæ ex omni genere canum, & non impeditas.* Anriq. Customar. de Sutton Colfield. Dogs with whole feet, not lawed.

**Cantel** (*Cantellum, velut, quantillum*) Is that which is added above measure. *Nullum genus bladi vendatur per cumulum seu Cantellum, præter Avenam, Brassum & farinam.* Stat. de Pistor. cap. 9.

**Cantred**, Or rather *Cantref*, (*Cantredus*) Signifies an Hundred Villages, being a British word compounded of the Adjective *Cant*, i. An Hundred, and *Tref*, a Town or Village. In Wales the Counties are divided into *Cantreds*, as in England into *Hundreds*. The word is used Anno 28 Hen. 8. cap. 3. See *Commote*.

**Capacity** (*capacitas*) An aptness to contain or receive. Our Law allows the King two *Capacities*, A Natural, and a Politick: In the first, He may purchase Lands to Him and His Heirs; in the later, to Him and His Successors. And a Parson hath the like.

**Cape of Good Hope** (*Cabo de bon' Speranza*) is a Promontory of the Continent of

*Africa*, which extends it self into the Sea towards the South, at 36 degrees beyond the Line; and was named *Cabo de bon' Speranza* by John 2. King of Portugal, under whom it was discovered by Barth. Diaz, about the Year 1491, and is mentioned in the Stat. 12. Car. 2. cap. 13.

**Cape** (*Lat.*) Is a Writ Judicial touching Plea of Lands or Tenements; so termed (as most Writs are) of that word, which carries the especiallest intention, or end of it. And this Writ is divided by *Cape Magnum* and *Cape Parvum*: Both which (as is before said in *Attachment*) take hold of things immovable, and seem to differ in these points. First, Because *Cape Magnum* or the *Grand Cape* lies before appearance, and (*Cape Parvum*) afterward. Secondly, The (*Cape Magnum*) summons the Tenant to answer to the Default, and over to the Demandant. *Cape Parvum* summons the Tenant to answer to the Default only; and therefore is called *Cape Parvum* or *Petit Cape*. *Old Nat. Br. fol. 161, 162.* Yet *Ingham* saith, it is called *Petit Cape*, not because it is of small force, but that it consists of few words.

*Cape Magnum* in the *Old Nat. Br.* is thus defined; Where a Man hath brought a *Præcipe quod Reddas* of a thing that touches Plea of Land, and the Tenant makes default at the day to him given in the Original Writ, then this Writ shall go for the King, to take the Land into His hands; and if the Tenant come not at the day given him thereby, he loseth his Land, &c. A form of this Writ, you may see in the *Reg. Judicial*, fol. 1. b. Of this Writ, and the Explication of its true force and effect, read *Bracton*, lib. 3. tract. 3. cap. 1. num. 4, 5, & 6.

*Cape Parvum* or *Petit Cape* (in *Old Nat. Br. fol. 162.*) Is thus defined; Where the Tenant is summoned in Plea of Land, and comes at the Summons, and his appearance is of Record; and at the day given him, prays the View, and having it granted, makes default, then shall Issue this Writ for the King, &c. The difference betwixt the *Grand Cape* and *Petit Cape* (which in effect or consequence, are alike) is, that the *Grand Cape* is Awarded upon the Defendant or Tenants not appearing or demanding the View in such Real Actions, where the Original Writ does not mention the parcels or particulars demanded; and the *Petit Cape*, after Appearance or View granted. Its Form see in *Reg. Jud. fol. 2.* and *Fleta*, lib. 6. 44.

*Cape ad Valentiam*, Is a Species of *Cape Magnum*, so called of the end whereto it tends, and (in *Old Nat. Br. fol. 161.*) thus described. Where I am implicated of Lands, and I vouch to warrant another, against whom the Summons *Ad Warrantizandum* hath been Awarded, and the Sheriff comes not at the day given; then, if the Defendant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in value of the Lands of the Vouchee, if he hath so much, if not, then I shall have execution of such Lands and Tenements



ments as descend to him in Fee; or, if he purchase afterwards, I shall have against him a Return; and if he can say nothing, I shall recover the value. This Writ lies before Appearance. Of these, and their divers uses, see the Table of the Reg. Judicial, verbo, Cape.

**Capias**, Is a Writ of two sorts, one before Judgment, called *Capias ad Respondendum*, where the Sheriff upon Original, or other Writ in a Personal Action returns *Nihil habet in Baliva nostra*. The other is a Writ of Execution after judgment, being also of divers kinds; as *Capias ad Satisfaciendum*, *Capias pro Fine*, *Capias Velagatum*, after Judgment, &c.

*Capias ad Satisfaciendum*, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action Personal; as for Debt, Damages, Detinue, &c. in the Kings Court: In which case, this Writ Issues to the Sheriff, commanding him to take the body of him, against whom the Debt is recovered, who shall be put in prison, till he make satisfaction.

*Capias ad Satisfaciendum infinite*, (22 & 23 Car. 2. Act for Relief of Souldiers.)

*Capias pro Fine*, Is where one, being by Judgment fined to the King, upon some offence committed against a Statute, does not discharge it, according to the Judgment: By this therefore his Body to be taken, and committed to prison until he pay the Fine. *Coke lib. 3 fol. 12.* Or where, upon a *Non est factum* pleaded, his Plea is, by evidence or his own after-acknowledgment, not made out or verified, and the like.

*Capias Velagatum*, Is a Writ which lies against him, who is outlawed upon any Action Personal or Criminal, by which the Sheriff apprehends the party outlawed, for not appearing upon the *Exigend*, and keeps him in safe custody till the day of return, and then presents him to the Court, there farther to be ordered for his contempt; which (if in the Common Pleas) was in former times to be committed to the Fleet, there to remain till he had sued out the Kings Charter of Pardon, and appeared to the Action. At present, in the Kings Bench, the Outlaw cannot be reversed, unless the Defendant appear in person, and by a Present of Gloyes to the Judges, implore and obtain their favor to reverse it. And in the Common Pleas, the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allow'd to do by Attorney) to answer the Action, if the Debt or Damage demanded be 20 l. or above, and to pay the Plaintiffs charges, before the Outlaw be reversed. And, by a special *Capias Velagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendants Land, Goods, and Chattels for the contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the Exchequer) obtain a Lease of the Lands extended, and a grant of the Goods, whereby to compel the Defendant to appear, which, when he shall do and reverse the Outlaw, are to be restored to

him. See *See Old Nat. Br. fol. 154.* and Table of Reg. Judicial, verbo, Capias.

*Capias in Wisbernium de Averris*, Is a Writ lying for Cattle in Wisbernium. Reg. of Writs, fol. 82. & 83. See Wisbernium.

*Capias in Wisbernium de Homine*, Is a Writ that lies for a Servant in Wisbernium. Reg. fol. 79. & 80. See Wisbernium.

*Capias conductos ad proficiscendum*, Is an Original Writ, which lies, by the Common Law, against any Soldier that hath covenanted to serve the King in his War, and appears not at the time and place appointed, directed to two of the Kings Serjeants at Arms to arrest, and take him wheresoever he may be found, and to bring him *Coram Consilio nostro*; with a Clause of Assistance, 4 Inst. fol. 128.

**Capita Baroniarum**, the chief Seats of Barons. *Bracton*.

**Capite** (from *Caput*, i. Rex, unde *tenere in Capite*, i. *Tenere de Rege*, omnium terrarum *Capite*) Was a Tenure which held of the King immediately, as of his Crown, were it by Knights Service or Socage. *Broke tit. Tenures, 46, 94. Dyer, fol. 123. num. 38.* But, by Stat. 12 Car. 2. cap. 24. all Tenures by Knights Service of the King, or of any other person, Knights Service in *Capite*, or Socage in *Capite* of the King, and the Fruits and Consequences thereof, are taken away and discharged. And all Tenures of all Mannors, Lands, &c. held either of the King, or of any other person, to be construed and taken for ever to be turned into free and common Socage. And all Tenures hereafter to be created by the King, upon any Gifts or Grants of Mannors, Lands, &c. are by Statute ordained to be in free and common Socage only, and not by Knights Service, or in *Capite*, and are to be discharged of all Wardship, &c.

**Caption** (*Captio*) When a Commission is executed, and the Commissioners names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the *Caption*; which commonly begins thus—*Virute istius Commissionis nos*, &c. Or *Executio istius Commissionis patet in quadam Scheda annexata*, &c.

**Capture** (*Captura*) The taking a prey, a little gain; in Arrest, or Seizure. *Anno 14 Car. 2. cap. 14.*

**Caput Baroniz**, Is the Castle or chief Seat of a Nobleman, which is not to be divided among Daughters (if there be no Son) but must descend to the eldest Daughter, *Ceteris filiabus aliunde satisfactis*.

**Caputia** (from *caput* the Head) is used for the Head, or Hade of any Land—*Cum capitiis & fidingis prati*. See *Buttum terre*.

**Caputagium**. In ejus facti memoriam etiam quatuor denarios de Caputagio meo, sicut mos secularis est talibus facere, super Altare Dominicum pradii loci grante imponens—*Dugdales War. Shire, fol. 193. a.* I think it may signifie Head or Poll-money, or the payment of it.

**Caput Jejunij**, Is in our Records, used for *Ashwednesday*.

**Carcatius**, Loaden, as a Ship with her Freight. — *De corpore cuiuslibet magnæ navis Carcatz cum rebus penalibus & denor. Pat. 10 R. 2. pars 1. m. 30.*

**Carcatium**, A Prison. *LL. Canuti Regii.*

**Careca & Carecata**, (*Sax. Cnct, unde Cari*) A Cart, or Cart-load. — *Eccient precarias de Caruca & Careca, 1. De aratro & carro Customar. Prior Lewes, M. S. — Quinqu Carecatas clausura, ad prædicta terra clausuram sustinendam, Mon. Angl. 2. par. fol. 340. a.*

**Caretarius & Caretarius**, A Carter. *Sci-ant — quod ego Herewardus Pri. Dedi — In liberam puram & perpetuam Eleemosinam Deo & Altari B. Marie in Conventuali Ecclesia Leominstr. xii d. annui redditus provenientes de quodam Mesuagio in Marisco quod fuit Ricardi Caretarii, &c. Sine Dat. Ex libro Cart. Priorat. Leominstr. See Carreta.*

**Carck**, Is a quantity of Wool, thirty whereof make a Sarpler. *Anno 27 Hen. 6. cap. 2. See Sarpler.*

**Cariffia**, Dearth, Scarcity, Dearthness. — *Rex, Majori & Vic. London, Salutem. Querela Archiepiscoporum, Comitum — quod de Bobus, Vacca, mulionibus, &c. magna & quasi insolerabilis est Cariffia huius die sub, &c. Pat. 8. Ed. 1. m. 14. infus.*

**Carno**, Seems to signify an immunity or privilege. *Cramp. Jurisd. fol. 191. Prior de Melton se & homines suos immunes clamat ab omnibus Amerciamentis in Foresta & ab omnibus Geldis, Footgeldis, Buckstals, Tritis, Carno & Sumag &c. Trin. Pick. tol. 168. b. Tributum aliquod fundi domino debitum, says Spelman.*

**Carpemeals**, A coarse kind of Cloth made in the North of England; and mentioned *Anno 7 Jac. cap. 16.*

**Carr (Carrus)** In some places it is a kind of Cart with Wheels; in others a Sled, drawn and sliding on the ground. — *In loco, in quo sumetur quod opus fuerit ad reparationem domorum, carucarum, Carrorum, & ceterorum suppellectilium domus. Carta Gaufridi de Lamay mil. Abbati de Burgo.*

**Carreta (alias Carreca)** Was anciently used for a Carriage, Wain or Cart-load. *Sci-ant presentes & futuri, quod ego Henricus de Ribesford Dedi — Rogero filio Ade Pistoris pro Homagio & Servizio suo totum dratum meum de Wigmore. Reddend. inde annuatim mihi & heredibus meis ipse & heredes sui unam Carretam sani rationabilem & bene fœnatam, &c. Sine dat. Penes Tho. Bridgewater gen.*

**Carrick or Carrack (Carrucha)** A Ship of great burden; so called of the Italian word *Carico* or *Carco*, a burden or charge. Mentioned *2 Rich. 2. cap. 4.*

**Carta mercatoria**, See *Law-Merchants.*

**Cartel**, See *Chartel.*

**Caruca**, A Plough.

**Carucage (Carucagium)** As *Hidago* was a Taxation by *Hides* of Land; so *Carucage* was, by *Carucata* of Land. — *Dederunt S. Edmundo*

*de qualibet Carucata terra in toto Episcopatu quatuor Denarios annuos, quod usque modo, ea de causa, Carucagium est appellatum, Mon. Angl. 1 par. fol. 294. a.*

**Carucate or Carve of Land (Carucata terra, of the Fr. Charrue, i. aratrum.)** Quantum terra una Carro & aratro feri & coli potest: A Plow-land; which in a Deed of *Tho. de Arden*, 19 *Edw. 2.* is declared to be One hundred Acres, by which the Subjects have sometimes been taxed; whereupon the Tribute so levied, was called *Carvagium*, or *Carucagium*. *Bratton, lib. 2. cap. 26. num. 8.*

**Carucata boum**, A Team of Oxen. — *Et duas Carucatas boum, Mon. Angl. 2 par. fol. 155. n. 30.*

**Carucata terra**, A Plough Land, may contain Houses, Mills, Pasture, Meadow, Wood, &c. *Coke on Litt. 2d. 119. Carucata* is sometimes also used for a Cart-load. — *Una Carucata ligni in Foresta nostra, qua appellatur defensa, Mon. Angl. 2 par. fol. 311. a. Littleton, cap. Tenure in Socage, saith that Socage idem est quod Caruca, a Soke or Plough Land are all one. Stow in his Annals, pag. 271. says, King Henry the Third took Carvage, that is, 1000 Marks of Silver of every Knights Fee, towards the Marriage of his Sister Isabel to the Emperor. Rastal, in his exposition of words, says, Carvage is to be quit, if the King shall tax all the Land by Carves, that is, a privilege whereby a Man is exempted from Carvage. Skene says, it contains as great a Portion of Land as may be Tilled in a year and day by one Plough, which also is called *Hilda* or *Hida terra*, a word used in the old British Laws. The word *Carve* is mentioned in the Statutes of *Wards* and *Relief*, made 28 *Edw. 1.* And in *Magna Char. cap. 5. Anno 1200. facta est Pax inter Johannem Regem Anglia & P. Regem Francia, &c. Et mutuavit Regi Francia 30 millia Marcarum, pro quibus collectum est Carvagium in Anglia, scil. iii s. pro quolibet aratro. Ex Registro Priorat. de Dunstable in Bibl. Cotton. See Coke on Litt. fol. 69. a.**

**Castatum & Castata** (from the Ital. *Casa*, i. domus) *Habitaculum cum terra idonea ad unam familiam alendam; alias Casamentum; Saxo-nibus nostris Hibe; Beda, Familia.*

*Ego Forterus, famulus famulorum Dei, pro redemptione anime meæ, unum Castatum dedi Alberto Abbati, quæ sita est juxta fluvium Elce, ad portam quæ dicitur Bledenithe ad insulam parvam, & ad Ecclesiam beati Martini Confessorii in propriam substantiam. Habendum, Donandumque cuicumque voluerit. Qui hanc cartam infringere temptaverit, sciat seipsum a Communione Sanctorum seipsum & ab omnipotenti Deo. ✠ Ego Forterus consensu & subscripsi. Acta est autem hæc donatio Anno DCC. XII. Indictione prima. Ex Reg. Glaston. Cz-nob. penes Rad. Sheldon Arm.*

**Castel (Castellum)** Is well known. *Certum est Regi Hen. 2. temporibus Castella 1115. in Anglia extitisse. Every Castle contains a Manor; so as every Constable of a Castle, is Con-*



Table of a Mannor, 2 Part. Inst. fol. 31.

**Castellan** (Fr. *Chastelain*) The Lord, Owner, or Captain of a Castle, and sometimes the Constable of a Castle, or Fortified House. *Drakon*, lib. 3. *crast.* 2. *cap.* 18. and *Lib. 2. cap.* 32. *num.* 2. And used in like sense, 3 *Edw.* 1. *cap.* 7. It is sometimes taken for him that hath the custody of one of the Kings Mansion Houses, though not a Castle or place of Defence. 2 Part. Inst. fol. 31. *Manswood*, Part. 1. pag. 119. saith, There is an Officer of the Forest called *Castellanus*, who had the command of all or part of the Forest. Of the use and extent of this Officer in France, see *Corpus Juris* Distinctionary, verbo *Chastelain*.

**Castellarii** (*Castellarium* & *Castellatus*)—Et unum *Castellum* juxta *Castellarium*. *Mon. Angl.* 2 Part. fol. 403. d. Comes Alanus habet in suo *Castellatu* 300 *Maneria*, *Doomsday*. The Precinct or Jurisdiction of a Castle.

**Castleward** (*Castlegardum* vel *Wardum Castri*) Is an Imposition laid upon such as dwell within a certain compass of any Castle, towards the maintenance of such as watch and ward the Castle. *Magna Charta*, *cap.* 26. and 32 Hen. 8. *cap.* 48. It is sometimes used for the very Circuit it self, which is inhabited by such as are subject to this Service; As in *Stowes Annals*, pag. 632.—Et capere ibidem *Castleward*, viz. De quolibet distributione infra feodum ipsius Ducis cap. ad *Castrum* (de *Halton*) ducti & ibidem una de causa, si per solam noctem perno-  
naverit, quatuor Denar. Pl. apud *Cestriam*, 31 *Edw.* 3.

**Castleguard-Rents**, Are Rents paid by those that dwell within the Precincts of any Castle, towards the maintenance of such as Watch and Ward the same, 22 & 23 Car. 2. *Act* for setting certain Rents in Trustees.

**Casu consimili**, Is a Writ of Entry, granted, where Tenant by Curtesie, or Tenant for Life, Aliens in Fee or in Tail, or for anothers life. And takes name from this, that the Clerks of the Chancery did, by their common consent, frame it to the likeness of the Writ called in *Casu Proviso*, according to the Authority given them by the Stat. *Westm.* 2. *cap.* 24. Which (as often as there happens any new case in Chancery, something like a former, yet not specially fitted by any Writ) authorises them to frame a new form, answerable to the new Case, and as like some former, as they may. And this Writ is granted to him in Reversion, against the party to whom the said Tenant or Aliens to his prejudice, and in the Tenants life time. The form and effect whereof, read at large in *Fitz.* *Nat. Br.* fol. 206.

**Casu Proviso**, Is a Writ of Entry, given by the Statute of *Glosses*, *cap.* 7. in case where a Tenant in Dower, Aliens in Fee, or for Term of Life, or in Tail, and lies for him in Reversion against the Alienee, *Fitz.* *Nat. Br.* fol. 209.

**Catalis**. See *Chateaux*.

**Catalis capis nomine distinctionis**, Is a Writ that lies within a Borough, or within a

House, for Rent going out of the same; and warrants a Man to take the Doors, Windows, or Gates, by way of Distress for the Rent. *Old Nat. Br.* fol. 66.

**Catalis Reddendis**, Is a Writ which lies, where Goods, being delivered to any Man to keep till a certain day, and are not upon demand delivered at the day. It may be otherwise called a *Writ of Delivery*. See more of it in the *Reg. of Writs*, fol. 139. and in *Old Nat. Br.* fol. 63. This is answerable to *Actio Dissoluti* in the Civil Law.

**Catapulta**, A Warlike Engine to shoot Darts & a Sling. *Edmundus Willoughby* tenet unum *Massugium* & sex *Bovalia* terra in *Carleton* ut de *Manerio* de *Shelford* per *servitium* unius *Catapultæ* per annum pro omni *servicio*. *Lib. Schedulæ de Term.* Mich. 14 Hen. 4. *Not.* fol. 210.

**Catchpol** (*Catchpollus* & *Cacepollus*, quasi, One that catches by the Poll) Though now taken as a word of Contempt, yet in ancient times, it was used, without reproach, for such as we now call *Sergeants of the Mace*, *Bailiffs*, or any other that use to Arrest men upon any Action. *Anno 25 Edw.* 3. *Stat.* 4. *cap.* 2. —*Hospitalarii* *tenent* in *Hereford* unum *Massugium* quod *Philippus filius* *Odonis* tenent per *Serjaniam* *Chacepolli*, quod eis legavit in *puram* *alacrynam*. *Ror. de Serjantiis* in *Heref.* temp. Hen. 2.

**Cathedra marmorea**. See *Lapis Marmoreus*.

**Cathedral**. See *Church*.

**Cathedralick** (*Cathedraticum*) Is a sum of 2 s. paid to the Bishop by the inferior Clergy, in *Argumentum* *subjectionis* & ob honorem *Cathedrae*. See *Hist. of Procurations and Synodals*, pag. 81.

**Catzurus**, —*Wil. Fitz. Alan* dat *Regi* duos *bonos Catzuros* pro *habendis* *duobus* *Feris*, &c. *Rot. Fin.* 6 Joh. M. 13. q. if not miswritten for *Chauceros*, which see.

**Caulceis** (*Anno 6 Hen.* 8. *cap.* 3.) *Caulceis*, (1 *Edw.* 4. 1.) It should probably be written *Causways*, from the old French word *Cauz*, now *Caillon* a Flint, and is well known to signify ways pitched with Flint, or other Stone; for the *Via appia* in Italy, is a *Causway*, made of black Flint Stones, —pro *ponte* & *calceis* *reparand.* *Pat.* 18 Hen. 6. pag. 2. m. 22. I have seen it written *Calceya*, *Calcia*, and *Calcium*, in old Records; perhaps from the Ital. *Calzata*.

**Causines** (*Causini*) Were *Italians* by Birth, and came into *England* about the year 1235, terming themselves the *Roper* *Marchants*, driving no other Trade than letting out money, and had great Banks thereof in *England*, and differed little from *Jews*, save that they were rather more mercilefs to their Debtors. Some will have them called *Causines*, quasi, *Causa* *ursini*, Bearish and cruel in their Causes; others *Causini* or *Corsini*, as coming first from the Isle of *Corsica*. The then Bishop of *London* excommunicated them. See *Matth. Paris*, p. 403.

**Causam**

**Causam nobis significes**, Is a Writ directed to a Major of a City, or Town, &c. who was formerly by the Kings Writ, commanded to give Seisin to the Kings Grantee of any Lands or Tenements, and delays to do it, willing him to shew cause, why he so delays the performance of his duty. *Coke, lib. 4. Cusu, Communitas des Sadlers, fol. 55. b.*

**Causa Patrimonii Praejudicii**, Is a Writ, which lies in case where a Woman gives Lands to a man in Fee, to the intent he shall marry her, and he refuseth to do it in any reasonable time, being thereunto required. The form and further use of it, see in *Reg. of Writs, fol. 233. and Fitz. Nat. Br. fol. 205.*

**Cautioe admittenda**, Is a Writ that lies against a Bishop, holding an excommunicate person in prison for his contempt, notwithstanding he offers sufficient Caution or Assurance to obey the Orders and Commandments of Holy Church from thenceforth. The form and further effect whereof, see in *Reg. of Writs, pag. 66. and Fitz. Nat. Br. fol. 63.*

**Caya**, A Kay, or watertock; from the Sax. *Cay*. See *Kay*.

**Ceapitilo**. (Sax. *Ceap*, pecunia & *Gilb*, solutio) Pecunia seu mercimonii restitutio.

**Cellerarius alias Cellarius**, *Officiarius est in Monasterio qui fructuum stipendia servat & administrat.* M. S. In Monasteries he was in nature of a Steward, qui totius Abbatibus curam gerebat. *Cellerarius propter dignitatem Officii, secundum patet est in Monasterio.* Mon. Ang. par. fol. 302. 2.

**Censaria** — Et debent habere mortuum boscum in Censaria de la verne in Forista de Sovering, &c. Pet. Parl. temp. Ed. 3. A Farm from the Fr. *Cense*, which so signifies.

**Censarii**. — *Domesday. lib. Eborac. A. chum. — Ibi sunt nunc 14 Censarii, habentes septem Carucasas.* Farmers.

**Censure**, or *Custumis vocata Censure* (from the Lat. *Census* which *Hoffmannus* expounds to be a kind of Personal Money, paid for every Poll.) Is, in divers Mannors in Cornwall and Devon, the calling of all Reliants therein above the age of 16, to swear fealty to the Lord, to pay ii d. per Poll, and i d. per an. ever after; as *Cert-money* or *Common Fine*; And these thus sworn are called *Censers*. — Item erat quidam Custuma quae vocatur *Censute*, proven. de illis qui manent in Burgo de Lostreythiel. *Survey of the Dutchy of Cornwall.*

**Century**. See *Hundred*.

**Cert Corpus**, Is a Return made by the Sheriff, upon a *Capias* or other Process for the like purpose, that he hath taken the Body of the party. *Fitz. Nat. Br. fol. 26.*

**Cesage** (*Ceragium*) See *Wassshot*.

**Cert Money** (quasi, *Certain Money*) Head-money or *Common Fine*, paid yearly by the Reliants of several Mannors to the Lords thereof, *Pro certo Leta*, for the certain keeping of the Leet, and sometimes to the Hundred. As the Mannor of Hook in Dorsetshire, pays *Cert-money* to the Hundred of Egeston. This in ancient Records is called *Certum Leta*. See *Common Fine*.

**Certificat** (Lat.) Is used for a Writing made in any Court to give notice to another Court of any thing done therein. For example, a *Certificat*, of the cause of *Assise* is a Transcript made briefly by the Clerk of the Crown, Clerks of the Peace, or of *Assise*, to the Court of *Kings Bench*, containing the Tenor and Effect of every Indictment, Outlawy, or Conviction, or Clerk straitened, made or pronounced in any other Court, *Anno 34 Hen. 8. cap. 14. Broke, fol. 119.*

**Certification of Assise of Novel Disseisin**, (*Certificatio Assise nova Disseisina, &c.*) Is a Writ granted for the rectifying or review of a matter passed by *Assise* before any Justices. Of which see *Reg. of Writs, f. 200.* And the *New Book of Entries, verbo, Certificat of Assise*. This is used, when a Man (appearing by his Bailiff to an *Assise* brought by another, hath lost the day; and having something more to plead for himself, as a Deed of Release, &c. which the Bailiff did not, or might not plead for him) desires a farther examination of the Cause, either before the same Justices, or others; and obtains Letters Patent to them to that effect (The Form of which Letters, see in *Fitz. Nat. Brev. fol. 181.*) and that done, brings a Writ to the Sheriff, to call, both the party, for whom the *Assise* passed, and the Jury that was empanelled on the same, before the said Justices at a certain day and place. And it is called a *Certificat*, because therein mention is made to the Sheriff, that upon the parties complaint of the Detective Examination, or Doubts yet remaining upon the *Assise* passed, the King hath directed His Letters Patent to the Justices, for the better certifying themselves, whether all Points of the said *Assise* were duly examined. Of this read *Braddon, lib. 4. cap. 19. nam. 4.* and *Horns Mirror, lib. 3.*

**Certificando de recognitione Stapule**, Is a Writ directed to the Major of the Staple, &c. commanding him to certify the Lord Chancellor of a *Statute Staple* taken before him, in case where the party himself detains it, and refuseth to bring it in. *Reg. of Writs, fol. 152.* The like may be understood of *Certificando de Statuto Mercatoris, fol. 148.* *De Certificando in Cancellariam de Inquisitione de Idemnitato nominis, fol. 195.* *Certificando quando Recognitio, &c.* *Certificando quid actum est de brevi super Statutum Mercatorum, fol. 151.* And *Certificando si loquela Warrantum, fol. 12.*

**Certiorari**, Is a Writ, issuing out of the Chancery to an Inferiour Court, to call up the Records of a Cause there depending, that considerable Justice may be done therein, upon complaint made by Bill, that the party, who seeks the said Writ, hath received hard dealing in the said Court. See the divers Forms and Uses of it in *Fitz. Nat. Br. fol. 242.* As also the *Register*; both *Original* and *Judicial* in the Tables, verbo, *Certiorari*. *Crompton*, in his *Justice of Peace, fol. 117. fays*: This Writ is either returnable in the *Kings Bench*, and then hath these words (*Nobis mittatur*) or in the Chancery,



**Chancery**, and then hath in *Cancellaria nostra*, or in the *Common Bench*, and then, *Justiciarius nostris de Banco*.

**Cervisarii**. The Saxons had a Duty called *Drinkelean* or *Drinklean*, i. *Dona potationis—bunoraria*, quibus scil. pradiorum Dominus a Vassallo honoratur & excipitur. Whence those Tenants were, in *Domesday* called *Cervisarii*; from *Cervisia*, Ale, their chief Drink; though *Cervisarius* vulgarly signifies a Beer or Ale Brewer.

**Cessavit**, Is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br. fol. 28c*. Upon this general ground, i. That he against whom it is brought, hath for two years neglected to perform such Service, or to pay such Rent, as he is tied to by his tenure, and hath not upon his Land or Tenements sufficient Goods or Cattle to be distrained. See *Fleta, lib. 5. cap. 34. sect. 2. vis. sunt*. See *Cessavit de Cantuariis*. *Cessavit de feodi firma*. *Cessavit per biennium*, in *Reg. of Writs*, fol. 237. 238. And *New Book of Entries*, verbo, *Cessavit*. It lies not, but for Annual Service, as Rent, and such like, nor for Homage or Fealty.

**Celles** (*Anno 22 Hen. 8. cap. 3.*) Seems to signify Assessments or Taxes. *Cesse* or *Casse* in Ireland, is an exaction of Provision of Victuals at a certain rate for the Deputies Family, and the Soldiers in Garrison. *Antiq. Hibernia*.

**Cession** (*Cessio*) A ceasing, yielding up or giving over. *Si un Parson ou Dean en Angli-terre prist un Eveque en Ireland, ceo fait le premier Esglise void per Cession*. *Latches Rep. fol. 234*. — *Ratione vacationis Prioratus pradiati*, per *Cessionem Fratris Rogeri de Wellington*, *ultimi Prioris*, &c. *Claus. 13 Edw. 3. pag. 1. m. 38*.

**Cessus** (Lat.) A loyterer or idle fellow; but we use it for him who *cesseth*, or neglects to long to perform a Duty belonging to him, as he thereby incurs the danger of Law, and is liable to have the Writ *Cessavit* brought against him. *Old Nat. Br. fol. 136*. And note where it is said *The Tenant cesseth*, without any more words, is to be understood, that the Tenant *cesseth* to do what he ought, or is bound to do, by the Tenure of his Lands or Tenement.

**Cessure** or **Cesser**, Is also used for a ceasing; giving over, or departing from. *Westm. 2. cap. 1*.

**Cestui qui vie** (In the French, *Cestui a vie de qui*) Is he for whose Life any Land or Tenements is granted. *Perkins, tit. Grants, 97*.

**Cestui que use** (an Abstrakt of the Fr. *Cestui al use de qui*) Is an usual phrase, signifying him to whose use any other Man is enfeoffed in any Lands or Tenements. See the *New Book of Entries*, verbo, *Uses*. And in *Replevin*, fol. 308. colum. 2. and, verbo, *Trespas*, fol. 606. and fol. 123. a, b. col. 3. num. 7. *Anno 1 Rich. 3. cap. 1. and Coke, lib. 1. fol. 133. Anno 12 Car. 2. cap. 30*.

**Cestui qui trust**, Is he who hath a Trust in Lands or Tenements committed to him for the benefit of another. *Anno 12 Car. 2. cap. 30*.

**Chacurus** (from the Fr. *Chaceur*, a Hunter) a Hound or Dog for the Chace, a Courser. See the Citation in *Verbo Dextrarius*, mentioned also in *Rat. Fin. 7. Johannis*.

**Chafewax**, Is an Officer in Chancery, that fits the Wax for the Sealing of the Writs, and such other Instruments as are there made to be issued out. So in France, *Chafesaxeres cera sunt*, qui regis literis in Cancellaria ceram imprimunt. *Corasius*.

**Chaffers** (*Anno 3 Edw. 4. cap. 4.*) Seem to signify Wares or Merchandize; for *Chaffering* is yet used for buying and selling.

**Chalking**. The Merchants of the Staple require to be eased of divers new Impositions, as *Chalking*, Tronage, Wharfage, &c. *Rot. Parl. 30 Edw. 3*.

**Chaldron** or **Chalder of Coals**, Contains thirty six Bushels heaped up, and according to the Bushel, scaled for that purpose at *Guildhall* in London. *Anno 16 & 17 Car. 2. cap. 2*. It is written *Chawdren*, *Anno 9 Hen. 5. cap. 10*. (perhaps from the Fr. *Chaud*, i. hot,) and, in *Pat. 10. Rich. 2. p. 1. m. 13. Chaldre*.

**Challenge** (from the Fr. *Chalenger*, i. *sibi asserere*) Is used for an Exception taken, either against persons or things; *Persons*, as, in *Affise*, to the Jurors, any one, or more of them; or in case of Felony, by the Prisoner at the Bar, *Bracton, lib. 2. traB. 2. cap. 22. Things*, as against a Declaration. *Old Nat. Br. fol. 76*.

**Challenge to the Jurors**, is either made to the *Array*, or to the *Polls*: To the *Array* is, when the whole number is excepted against, as partially empannelled: To, or by the *Poll*, is when some one or more are excepted against, as not indifferent. **Challenge to the Jurors**, is also divided into *Challenge Principal*, and *Challenge per Cause*, i. Upon Cause or Reason. **Challenge Principal**, otherwise called *Peremptory*, is that which the Law allows without cause alledged, or further examination. *Lamb. Eiren. lib. 4. cap. 14*. As a prisoner at the Bar, arraigned upon Felony, may peremptorily *Challenge 20*, one after another, of the Jury empannelled upon him, alleadging no cause; but his own dislike, and they shall still be put off, and new taken in their places. But in case of High Treason, no *Challenge Peremptory* is allowed. *Anno 33 Hen. 8. cap. 29*. Yet there seems to be a difference between *Challenge Principal*, and *Challenge Peremptory*; this being used only in matters criminal, and barely without cause alledged, more than the prisoners own fancy. *Stamf. Pl. Cor. fol. 124*. That, in civil actions for the most part, and with assigning some such cause of Exception, as, being found true, the Law allows. For example, if either party alleadged, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or married his Daughter; this Exception is good (if true) without further examination of the parties credit. How far this *Challenge* upon Kindred extends, see in *Plowden, Casu Vernon, fol. 425*.

Also in the Plea of the Death of a Man, and in every Real Action, and in every Action Personal

sonal, where the Debt or Damages amount to forty Marks, it is a good Challenge to any Juror, that he cannot dispend 40 s. per annum of Freehold, *Anno 11 Hen. 7. cap. 21.* The ground of this Challenge, you may see in *Fleta*, lib. 4. cap. 8. Challenge upon Reason or Cause, is, when the party does alledge some such Exception against one, or more of the Jurors, as is not forthwith sufficient, upon acknowledgment of the truth of it, but rather arbitrable and considerable by the rest of the Jurors; as, if the Son of the Juror have married the Daughter of the adverse party. *Kitchin*, fol. 92. where you may read, what Challenges are commonly accounted Principal, and what not. See the *New Book of Entries*, on this word Challenge; which was anciently Latined by *Calumnia*, as appears by *Bracton*, lib. 3. tract. 2. cap. 18. See *Coke on Littl.* fol. 156, 157, &c. and *Calangium*.

**Chamberdekins**, (In the Parl. Roll more properly written **Chambers Deacons**) were certain poor Irish scholars, clothed in mean Habit, and living under no Rule; banished England by Stat. 1 Hen. 5. cap. 7. 8.

**Chambers of the King** (*Regia Camera*) The Havens or Ports of the Kingdom, so called in our Records. *V. Marc Clausum*, fol. 242.

**Chamberer** (Fr. *Chambriere*) Is used for a Chamber-maid. *Anno 33 Hen. 8. cap. 21.*

**Chamberlain** (*Camerarius*) Is diversely used in our Chronicles, Laws, and Statutes; as Lord Great Chamberlain of England, Lord Chamberlain of the Kings House; the Kings Chamberlain (*Anno 13 Edw. 3. cap. 41* — 17 Rich. 2. cap. 6.) to whose Office it especially appertains to look to the Kings Chambers and Wardrobe, and to govern the under Officers belonging thereto. *Fleta*, lib. 2. cap. 6, 7. Chamberlain of any of the Kings Courts, 7 Edw. 6. cap. 1. Chamberlain of the Exchequer, 51 Hen. 3. Stat. 5. and 10 Ed. 3. cap. 11. Chamberlain of North-Wales. *Stow*, pag. 641. Chamberlain of Chester, and Chamberlain of the City of London. *Crompt. Jurisd.* fol. 7. To which Chamberlainships of London and Chester, do belong the receiving of all Rents and Revenue appertaining to those Cities; and to the Chamberlain of Chester, (when there is no Prince of Wales, and Earl of Chester) the receiving and return of all Writs coming thither out of any of the Kings Courts..

There are two Officers of this name in the Exchequer, who keep a Controlment of the Pells of Receipt and Exitus, and certain Keys of the Treasure and Records, and the Keys of the Treasury, where the Leagues of the Kings Predecessors, and divers ancient Books, as *Domesday*, and the Black Book of the Exchequer remain. This Officer is mentioned in the Statute 34 & 35 Hen. 8. cap. 16. There are also Under Chamberlains of the Exchequer, which see in Under Chamberlain. The Latin word seems to express the Function of this Officer; For *Camerarius dicitur a Camera* (i. *Testudine*

*sive fornice*) quia custodit pecunias, quæ in Camera præcipue reservantur.

**Chambre depint**, Anciently *St. Edwards Chamber*, now called the Painted Chamber, often mentioned in our Parliament Rolls by that name.

**Champart** (from the Fr. *Champ*, a Field, and *Parti*, divided; because the Field or Land, in question, is commonly divided between the Champartor, who maintains the Sure, and the person in whose name and right he sues) Signifies a Maintenance of any Man in his Sure, upon condition to have part of the thing (be it Land or Goods) when it is recovered. This seems to have been an ancient grievance in our Nation; for notwithstanding the several Statutes of 3 Edw. 1. cap. 25. — 13 Edw. 1. c. 49. — 28 Edw. 1. c. 11. 33 Edw. 1. Stat. 2 & 3. and 1 Rich. 2. cap. 4. And a Form of Writ framed to them; yet 4 Edw. 3. cap. 11. it was again Enacted, That whereas a former Statute provided Redress for this in the Kings Bench only (which in those days followed the Court) from thenceforth it should be lawful for Justices of the Common Pleas, and Justices of Assise, in their Sessions, to enquire, hear, and determine this, and such like Cases, as well at Suite of the King, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see *Fitz. Nat. Br.* fol. 171. *Reg. of Writs.* fol. 183. And *New Book of Entries*, verbo, *Champarty*. Every Champarty implies a Maintenance. *Crompt. Jurisd.* fol. 39. See also 3 Part. Inst. fol. 208. *Nullus Minister Domini Regis manuteneat Placita vel Querelas in Curia sua ad Champartem inde habend.* Rot. Parl. 21 Ed. 1. *Aliter Champartem.*

**Champartors**, (in the words of the Statute) Are they, who move Pleas or Sutes, or cause them to be moved, either by their own procurement, or by others, and sue them at their proper costs, to have part of the Land in variance, or part of the Gains. *Anno 33 Edw. 1. Stat. 2. in fine.*

**Champion** (*campio*) Is taken not only for him that fights the Combat in his own case, but for him also that does it in the place or quarrel of another. *Bracton*, lib. 3. tract. 2. cap. 21. num. 24. who also seems to use this word for such as held of another by some service; as, *Campiones faciunt Homagium Domino suo*, lib. 2. cap. 35. *Hottoman de verbis feudalibus*, Defines it thus, *Campio est Certator pro alio datus in duello, a Campo dictus, qui circus erat decertantibus definitus.* And therefore it is called *Campfight*. See *Combate*, and Sir *Edward Bishes* Notes upon *Opton*, where fol. 36. you will find that *Henricus de Fernbureg*, for thirty Marks Fee, did by a Charter under the Seal, Covenant to be Champion for Roger, Abbot of *Glasenbury*. *Anno 42 Hen. 3. See 3 Inst. fol. 221.*

**Champion of the King** (*Campio Regis*) Whose Office is, at the Coronation of our Kings, to ride into *Westminster Hall* armed Cap-a-pe, when the King is at dinner there, and throw down his Gantlet by way of Challenge, pronounced by a Herald, That if any Man



shall deny or gain-say the Kings Title to the Crown, he is there ready to defend it in single Combat, &c. Which being done, the King drinks to him, and sends him a gilt Cup with a Cover full of Wine, which the Champion drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King Richard the Second, when Baldwin Freville exhibited his Petition for it) was adjudged from him to Sir John Dymock, his Competitor (both claiming from Marmion) as producing better Records and Evidence; and hath continued ever since in the worthy family of Dymock, who hold the Mannor of Scrivelsby in Lincolnshire, hereditary from the Marmions, by Grand Sergeanty, viz. That the Lord thereof shall be the Kings Champions, as above-said. *Camd. in part. Fin. Mich. 1 Hen. 6.* Accordingly Sir Edward Dymock performed this Office at the Coronation of his Majesty, King Charles the Second, 23 April 1661.

**Chancellor (Cancellarius)** This Officer in late times is greatly advanced; not only in our, but in other Kingdoms: for he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, and may not swerve from it in Judgment, but the Chancellor hath the Kings absolute power to moderate the Written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all things *juxta equum & bonum*. Wherefore Stanford (in his *Prærog. cap. 20. fol. 65.*) says, The Chancellor hath two powers, one absolute, the other ordinary; meaning, that, though by his ordinary power in some cases, he must observe the form of proceeding, as other Inferiour Judges, yet in his absolute power, he is not limited by the Written Law, but by Conscience and Equity, according to the Circumstances of Matter. And though Polydor Virgil, an Alien, undertaking to write the History of England, supposed he did not mistake, when he makes our William the Conqueror, the Founder of our Chancellors; yet our industrious Antiquary Mr. Dugdale can shew us his Error in the many Chancellors of England, long before that time, which are mentioned in his *Origines Juridicales*, and Catalogue of Chancellors, whose great Authorities under their Kings, were in all probability drawn from the reasonable Customs of Neighbour Nations, and the Civil Law.

He that bears this Magistracy, is called *The Lord Chancellor of England*, (which is the highest Honor of the Long Robe) being made so *Per traditionem magni Sigilli sibi per Dominum Regem*, and by taking his Oath. And by the Statute 5 *Eliz. cap. 18.* the Lord Chancellor and Keeper, have one and the same Power; and therefore since that Statute, there cannot be a Lord Chancellor, and Lord Keeper, at one and the same time, but before those might, and hath been. Yet see *Keeper. See Flata, lib. 2. cap. 12, 13.* and *Cokes 4 Instit. fol. 78, 79.* Divers Inferiour Officers are also called Chancellors, As

*Chancellor of the Exchequer (Anno 25 Hen. 8. cap. 16.)* Whose Office hath been thought by many to have been created for the qualifying extremities in the Exchequer: He sits in the Court, and in the Exchequer Chamber: and with the rest of the Court, orders things to the Kings best benefit. He is always in Commission with the Lord Treasurer, for letting the Lands that came to the Crown by the dissolution of Abbeyes, or otherwise; and hath by the Statute of 33 *Hen. 8. cap. 39.* power with others, to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entred unto the King; he hath also a great Authority and Jurisdiction in the manage and dispose of the Royal Revenue, and concerning the First Fruits, as appears by the Acts for uniting them to the Crown.

*Chancellor of the Duchy of Lancaster, (Anno 3 Edw. 6. cap. 1. and Anno 5 Ejusdem, cap. 26.)* Whose Office is principal in that Court, to judge and determine all Controversies between the King, and His Tenants of the Duchy-Land, and otherwise to direct all the Kings Affairs belonging to that Court.

*Chancellor of the Order of the Garter.* Stows Annals, pag. 706. *Chancellor of the Universities, Anno 9 Hen. 5. cap. 8. and Anno 2 Hen. 6. cap. 8.* *Chancellor of the Court of Augmentations, 27 Hen. 8. cap. 27.—32 Ejusdem, cap. 20. & 33 Ejusdem, cap. 39.* *Chancellor of the First Fruits. 32 Hen. 8. cap. 45.* *Chancellor of Courts. 32 Hen. 8. cap. 28.* *Chancellor of the Diocesis, 32 Hen. 8. cap. 15, &c.* anciently called *Episcopi Ecclesiarum*.

**Chance medley** (from the Fr. *Chance*, i. *Lapsus* and *Mesler*, i. *Miscere*) Signifies the casual slaughter of a Man, not altogether without the fault of the slayer. *Stamf. Pl. Cor. lib. 1 cap. 8.* calls it Homicide by misadventure. *West* calls it homicide mixt (*Part. 2. Symbol. tit. Indissemens, Sect. 5.*) and there defines it thus; Homicide mixt is, when the Killers ignorance or negligence is joyned with the Chance; As if a Man lop Trees by the Highway side, by which many usually travel, and cast down a bough, not giving warning to beware of it, by which bough one passing by, is by chance slain. In this case he offends, because he gave no warning, that the party might have taken better heed. See *Skene, verbo, Molletum*, who says this is called *Chaudmeddle* in Scotland.

**Chancery (Cancellaria)** Is the Grand Court of Equity and Conscience, moderating the rigor of other Courts most strictly tied to the Letter of the Law, whereof the Lord Chancellor of England, is the chief Judge. *Crompt. Jurisd. fol. 41.* or else the Lord Keeper of the Great Seal, since the Statute of 5 *Eliz. cap. 18.* The Officers belonging to this Court, are the Lord Chancellor or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardein des Rolls*) who in the Lord Chancellors absence, heareth Causes and gives Orders, 4 *Instit. fol. 97.* Twelve Masters of the Chancery, who are Assistants, and

and sit by turns on the Bench; the Six Clerks, who have each of them about Fifteen Clerks, under them, in nature of Attorneys in the Court; Two chief Examiners, who have five or six Clerks a piece; One chief Register, who hath usually four or five Deputies. The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Crier of the Court; the Curfitors and their Clerks, the Clerks of the Petty-Bag; the Clerk of the Hanaper, the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Sealer, the Chase-Wax; the Clerk of the Patents, Clerk of Preclamations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protections, Clerk of the Subpenas, Clerk of the Affidavits, &c. which see described in their several places. See *Cokes 4 Inst. fol. 82.*

**Changer**, Is an Officer belonging to the Kings Mint, whose Function chiefly consists, in exchanging Coyne for Bullion, brought in by Merchants, or others. *Anno 2 Hen. 6. cap. 12.* where it is written (after the old way) *Chauncour.*

**Chantry**. See Chauntry.

**Chapel** (*Capella*) Fr. *Chapelle, i. adicula*) Is of two sorts, either adjoining to a Church, as parcel of it, which persons of quality build, *Ubi ibidem familiaria Sepulchra sibi constituunt*; or else separate from the Mother Church, where the Parish is wide, and is commonly called a *Chappel of Ease*; because it is built for the ease of one or more Parishioners that dwell far from the Church, and is served by some Inferior Curate, provided at the charge of the Rector, or of him that hath benefit by it, as the Composition or Custom is. *Ad Capellam non pertinet Baptisterium neque sepultura.* *Selden of Tythes. p. 265.*

There is also a *Free Chappel*, which seems to be such as hath perpetual maintenance towards the upholding it, and the Curates stipend, by some Lands or Rents charitably bestowed on it, without the charge of the Rector or Parish. *Anno 37 Hen. 8. cap. 4. Anno 1 Edw. 6. cap. 14.*

**Chapelry** (*Capellania*) Is the same thing to a *Chappel*, as a Parish to a Church, i. The Precinct and Limits of it. Mentioned in the Stat. 14 Car. 2. cap. 9. — *Capellania Sancti Oswaldi, Mich. 32 Edw. 1. Coram Rege, Glouc.*

**Chaperon** (Fr. In Lat. *Humeralis & Caputium*) mentioned in the Stat. 1 Ric. 2. is the Hood anciently worn by the Knights of the Garter, being part of the Habit of that noble Order. Also the little Escoccheon fixed in the Forehead of the Horses that draw the Herse at a Funeral.

**Chapiters** (Lat. *Capitula*, Fr. *Chapiters*, i. The Chapiters of a Book) signifies a Summary or Content of such Matters as are to be enquired of, or presented before Justices in Eyre, Justices of Assize, or of Peace in their Sessions. Thus it is used *Anno 3 Ed. 1. cap.*

27. — And that no Clerk of any Justice, Escheator, or Commissioners in Eyre, shall take any thing for delivering Chapiters, but only Clerks of Justices in their Circuits. And again, *Anno 13 Ejusdem, cap. 10.* — The Sheriff shall certify the Chapiters before the Justices in Eyre, how many Writs he hath, and what, &c. *Britton (cap. 3.)* useth the word in the same signification. *Chapiters* are now most usually called *Articles*, and are delivered by the Mouth of the Justice in his Charge, to the Enquest; whereas in ancient time (as appears by *Bracton* and *Britton*) they were after an Exhortation given by the Justices for the good observation of the Laws, and Kings Peace) first read distinctly in open Court, and then delivered in Writing to the Grand Enquest, which the Grand Jury or Enquest were likewise to answer upon their Oaths, Affirmatively or Negatively, and, not as they do now, p<sup>ut</sup> the Judges to make long and learned Charges to little, or no purpose, and forswearing or wilfully not remembering their Knowledge of Transgressors, against the Design and Enquiry of those *Articles*, do think their Oaths and Duty to God, and the King, and their Countrey, well enough satisfied and performed, if they only present those few, of many more, Misdemeanors, which are brought unto them by way of Indictments. The same Order of *Articles*, *Lambert* wishes might still be observed. *Eisen. lib. 4. cap. 4. pag. 393.* *Horn* (in his *Mirror of Justices*) calls them *Articles*, and expresses what they were wont to contain. *Lib. 3. cap. Des Articles in Eyre.*

**Chaplain** or **Chapellain** (*Capellanus*) Is now most commonly taken for him, who is depending on the King, or other Noble person, to instruct him and his Family in Spirituals, and say Divine Service in his house, where commonly they have a private Chappel for that purpose. The Statute 21 Hen. 8. cap. 13. ordains what person may priviledge one or more Chaplains to discontinue from their Benefices, in respect of their particular service.

**Chapter** (*Capitulum*) Signifies Congregationem Clericorum in Ecclesia Cathedrali, Conventuali, regulari vel Collegiata, and in another sence, *Locum in quo sunt communes tractatus Collegiatorum.* It hath other significations, not worth mentioning here, which you may read in *Linwoods Provin. Gloss. verbo, Capitulum.* This Collegiat Company or Corporation, is Metaphorically termed *Capitulum*, (signifying originally a little Head) it being a kind of Head, not only to rule and govern the Diocese, in the Vacation of the Bishoprick, but also in many things to advise the Bishop when the See is full. See *Panormitan, in cap. Capitulum extra de rescriptis.* — *Ad Dedicaciones, ad Synodos, ad Capitula venientibus sit summa Pax.* LL. Edwardi Confess. cap. 3.

**Chatterer**, So in *Cheshire* they call a Freeholder. *Sir P. Leye. Antiq. fol. 356.*

**Charge of Head**. *La Charge de plumbo constat*



stat ex 30 formelis, & qualibet formela continet 6 Petras, exceptis duabus libris, & qualibet Petra constet ex 12 libris. Assisa de ponderibus Ro<sup>h</sup>. 3. R. Scot. cap. 22. sect. 2.

**Chart** (*Charta*) Paper, Parchment, or any thing to write on; also a Card, mentioned 14 Car. 2. cap. 33. See *Charter*.

**Chartel** (*Fr. Cartel*) A Letter of Defiance, or a Challenge to a (single) Combat: In use when those Combats were in practice, to decide difficult, and not otherwise to be determined Controversies in Law.

**Charter** (*Charta*, *Fr. Chartres*, i. *Infirmamenta*) Is usually taken for written Evidence of things done between Man and Man. Whereof *Bracton*, lib. 2. cap. 26. num. 1. says thus, *Fiunt aliquando Donationes in scriptis, sicut in chartis, ad perpetuam rei memoriam, propter brevem hominum vitam* — And (*Num. 12.*) & sciendum quod Chartarum alia regia, alia privatorum; & regiarum, alia privata, alia communis, & alia universalis. Item, privatorum alia de puro Feoffamento & simplici, alia de Feoffamento condicionali sive conventionali, & secundum omnia genera Feoffamentorum fieri potest. Item privatorum alia de recognitione pura vel condicionali. Item alia de quiete clamantia, & de confirmatione, &c. Britton likewise in his 39 Chapter, divides Charters into those of the King, and those of private persons.

Charters of the King, are those whereby the King passeth any Grant to any person or more, or to any Body Politick; as a Charter of Exemption, that a Man shall not be empanell'd upon any Jury. *Kitchin*, fol. 314. and 177.

**Charter of Pardon**, whereby a Man is forgiven a Felony, or other offence committed against the Kings Crown and Dignity. *Brook*, tit. *Charter of Pardon*.

**Charter of the Forest**, wherein the Laws of the Forest are comprised. *Anno 9 Hen. 3. Crompt. Jurisd. fol. 147. Pupilla oculi. par. 5. cap. 22. Manwood, pag. 1. fol. 1.* Where he sets down the Charters of *Canutus*, and fol. 17. that which was made 10 Hen. 3. with the Charter of the Forest. Of these Charters you have also a long Discourse in *Fleta*, lib. 3. cap. 14. Who particularly expounds every substantial part of a Deed of Gift. See *Magna Charta*.

**Charterer**, So in *Cheshire* they call a Freeholder. *Sir P. Leyc. Antiq. fol. 356.*

**Charter-land**, (*terra per Chartam*) Is such as a Man holds by Charter, that is by evidence in Writing, otherwise called *Free-hold*. *Anno 19 Hen. 7. cap. 13. and Kitchin, fol. 86.* This in the Saxons time was called *Bockland*, which was held (according to *Lambert* in his Explication of those words, *Verbo, Terra ex scripto*) with more commodious and easie conditions, than *Folkland* was; that is, Land held without writing; because that was *Hæreditaria libera atque immunis*; whereas, *Fundus sine scripto censum pensabat annuum, atque officiorum quadam servitute esset obligatus; Priorem viri plerumque nobiles, atque ingenui, posteriorem rustici fere & pagani possidebant. Illam nos vulgo Freehold &*

*per Chartam; hanc ad voluntatem Domini appellamus.* Thus *Lambert*.

**Charter-party** (*Lat. Charta partita, Fr. Chartre-parti*, i. A Deed or Writing divided) Is that among Merchants and Sea-faring Men, which we commonly call, *A Pair of Indentures*, containing the Covenants and Agreements made between them, touching their Merchandise and Maritime Affairs. *Anno 32 Hen. 8 cap. 14. and 12 Car. 2. cap. 18. Latches Rep. fol. 225. Ballo's Case, and 2 Inst. fol. 673.*

**Chartis Reddendis**, Is a Writ which lies against him that hath Charters of Feo<sup>ment</sup> entrusted to his keeping, and refuseth to deliver them. *Old Nat. Br. fol. 66. Reg. of Writs, fol. 159.*

**Chase** (*Fr. Chasse*) Signifies two things: First, A driving Cattle to, or from any place; as to *chase* a Distress to a Forreter. *Old Nat. Br. fol. 45.* Secondly, it is a place of Receipt for Deer, and Wild Beasts, of a middle nature between a Forest and a Park, being commonly less than a Forest, and not endued with so many Liberties, as the Courts of *Attachment*, *Swain-mote*, and *Justice-seat*; and yet of a larger compass, and stored with greater diversity, both of Keepers and Wild Beasts, or Game than a Park. *Crompton in his Jurisd. fol. 148.* says, A Forest cannot be in the hands of a Subject; but it forthwith loseth its name, and becomes a Chase; and yet fol. 197. he says, A Subject may be Lord and Owner of a Forest, which though it seems a contradiction, yet both Sayings are in some sort true. For the King may give or alienate a Forest to a Subject, yet so, as, when it is once in the Subject, it loseth the true property of a Forest; because the Courts called the *Justice-Seat*, *Swain-mote*, and *Attachment*, do forthwith vanish; none being able to make a Lord Chief Justice in Eyre of the Forest, but the King; as *Manwood* well observes, *Par. 2. cap. 3, & 4.* Yet it may be granted in so large a manner, as there may be *Attachment*, *Swain-mote*, and a Court equivalent to a *Justice-Seat*, as appears by him in the same Chapter, num. 3. So that a Chase differs from a Forest in this, because it may be in the hands of a Subject, which a Forest, in his proper and true nature, cannot; and from a Park, in that it is not enclosed, and hath not only a larger compass, and more variety of Game; but of Keepers also and Officers. See *Forest*.

**Chattels or Catalg**, (*Catalia alias Capitalia*) Comprehend all Goods moveable and immoveable, except such as are in nature of Free-hold, or parcel of it, as may be collected out of *Stamf. Prærog. cap. 16. and Anno 1 Eliz. cap. 2.* Yet *Kitchin*, fol. 32. says, That Money is not to be accounted Goods or Chattels, because it is not of itself valuable; nor Hawks and Hounds, for they are *Fera natura*. Chattels are either personal or real. Personal, may be so called in two respects: One, because they belong immediately to the Person of a Man, as a Bow, Horse, &c. The other, for that

that being any way injuriously withheld from us, we have no means to recover them, but Personal Actions. *Chutels real*, are such as either appertain not immediately to the person, but to some other thing, by way of dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it self growing on the Ground. *Crompt. Just. of Peace, fol. 33.* or else such as are issuing out of some immoveable thing to a person, as a Lease or Rent for term of years. See *Bracton, lib. 3. cap. 3. num. 3. & 4.* *Chutels* are *bona quaecunque mobilia & immobilia; proprie tamen ea bonorum pars, quae in animalibus consistit, à quorum capitibus, res ipsae alias capita alia capitalia dicta sunt.* *Spelman.*

**Chaumpert.** — *Et quod tam predictae xx. virgate terrae, quam terrae, unde dicta quater-viginti quarteria frumenti annua proveniunt, de nobis in Capite, per servitium, vocatur Chaumpert, viz. Undecima garba, nobis per manus tenentium terrarum earundem, annuatim solvenda, tenentur.* *Pat. 35 Edw. 3. par. 2. M. 18. Ho-spiral. de Bowes infra Insulam de Gernesey.*

**Chance-medley.** See *Chance-medley.*

**Chaunderia.** — *Et si Cervisiam putidam brassabit, amittere debet Chaunderiam & Brassi valorem ad voluntatem Ballivorum.* *MS. de LL. liberi Burgi Villa de Montgomery, fol. 12.*

**Chauncer.** (*Cantator.*) A Singer in the Quire. *Anno 13 Eliz. cap. 10.* At *S. Davids* in *Pembroke-shire*, the Chaunter is next to the Bishop, for there is no Dean. *Cam. Britan.*

**Chauntry.** (*Cantaria.*) *Aedes sacra; ideo ins-tituta & dotata prae-dictis, ut Missa ibidem cantaretur pro anima fundatoris & propinquorum eius.* These were usually little Chapels, or particular Altars in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the maintenance of one or more Priests, to officiate as above-said. Mentioned. *37 Hen. 8. cap. 4.* — *1 Edw. 6. c. 14. & 15 Car. 2. cap. 9.* Of these Chantries, there were forty seven belonging to *S. Paul's Church in London*; for which, see *Mr. Dugdale's History of that Church.*

*Sciatis: quod ego Reginaldus Sneyd Aedi-Willielmo Crompte Capellano Cantariae beate Mar-iae de Yarpol unam parcelam pasturae, &c. Dat. apud Leominstre die Martis prox. post Festum San-cti Hillarii, Anno 7 Hen. 5.*

**Chauntry-Rents.** (*22 Car. 2. cap. 6.*) are Rents paid to the Crown by the Servants or Purchasers of Chauntry-Lands.

**Chawwen of Sea-Coats.** *Anno 9 Hen. 5. cap. 10.* See *Chaldron.*

**Check-Roll.** Is a Roll or Book, containing the Names of such as are Attendants, and in pay to the King, or other great Persons, as their Household-Servants. *Anno 19 Car. 2. cap. 1.* It is otherwise called the *Chequer-Roll.* *Anno 24 Hen. 8. cap. 13. Anno 3 Hen. 7. cap. 13.* And seems to be a word abstracted, or derived from the *Exchequer*, which vide. *Clerk of the Check,* see in *Clerk.*

**Chemin.** See *Chimin.*

**Chence.** See *Amabr.*

**Chensere.** (*Anno 27 H. 8. cap. 7.*) such as paid tribute or *Cense*; *Quit-Rent*, or *Chief Rent*; For so the *Fr. Censier* signifies.

**Chertler.** See *Churchesetter.*

**Chebage.** (*Chevagium*, from the *Fr. chef, i. caput, Censu Capitis.*) Signifies a Tribute, or sum of Money formerly paid by such as held Lands in Villanage or otherwise, to their Lords in acknowledgement; and was a kind of Head, or Poll-Money. Whereof *Bracton, lib. 1. cap. 10.* says thus, *Chevagium dicitur recognitio in signum subjectionis & Domini de capite suo.* It seems also to be used for a sum of Money, yearly given to a Man of power, for his Countenance and Protection, as to their chief Head or Leader. *Lambert (lib. 2. cap. 5. Eirenarch.)* writes it *Chivage*, we now call it *Chiesage.* *Est & apud Wallas Chevagii genus quod Amabj vocant, Principi Wallie pro maritandis filiabus, olim ab omnibus (ut asserunt) hodie à quibusdam (etiam liberis) persolutum,* says *Spelman* on the word *Chevagium.* See *Coke on Littl. fol. 140.*

The Jews (whilst they were admitted to live in England) paid *Chevagium*, or Poll-Money to the King; as appears by *Pat. 8 Edw. 1. pars 1. M. 15.* And it was 3 d. for every Head, paid yearly at *Easter*, in token of their servitude. *Stat. de Judaismo.*

**Chevissance.** (*Fr. Chevissance.*) An Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; sometimes taken for an indirect gain or booty. *Lo. Verulam* in his *Hen. 7.* But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As *37 Hen. 8. cap. 9. 13 Eliz. c. 5. and 8. and 12 Car. 2. cap. 13.* In *Ror. Parl. 21 Edw. 3.* it is written *Cheevances.*

**Chevitae & Chevilex.** (*Chevez.*) Hades at at the end of Ploughed Lands. — *Novem a-eras terra cum Chevileis ad ipsas pertinentibus.* *Mon. Angl. 2 par. fol. 116. and Pat. 9 Edw. 2. Par. 2. M. 2.*

**Chref.** See *Capite.*

**Chiesage.** See *Chebage.*

**Chief Pledge.** (*Plegius vel vas Capitalis.*) *Anno 20 Hen. 6. cap. 8.* See *Borowhead.*

**Childwit.** (*Sax.*) Signifies a power to take a Fine of a Bond-woman, unlawfully begotten with Child. *Prior habet Gersamam de Nativitate sua imprægnata sine licentia maritandi.* *Ex Registro Priorat. de Cokesford.* Every reputed Father of a base Child, gotten within the Mannor of *Writet* in *Com. Essex,* pays to the Lord for a Fine 3 s. 4 d. Where it seems to extend as well to Free as Bond-women; and the Custom is there yet called *Childwit.*

**Chimin.** (*Fr. Chimin, i. aditu, via.*) Signifies a way; which is of two sorts. The Kings High-way, and a Private way. *Kitchin, fol. 35.* The Kings High-way (*Chiminus Regius*) is that, in which the Kings Subjects, and all others under His Protection, have free liberty to pass, though the property of the soyl, where the way lies, may perhaps belong to some private Man. A Private way is that, in which one Man or



more have liberty to pass, either by Prescription or by Charter, through another Mans ground. And this is divided into *Chimin in gross*, and *Chimin appendant*. *Kitchin*, fol. 117. *Chimin in gross*, is that way, which a Man holds principally and solely in it self; *Chimin appendant*, is that which a Man hath as appurtenant to some other thing. As, if he hire a Close or Pasture, with Covenant for ingress and regress, through some other Ground, in which, otherwise he might not pass. See *Coke on Littl.* fol. 56.

**Chiminage**, (*Chiminagium*.) Signifies a Toll for Wayfarage through the Forest. *Crompt. Jurisd.* fol. 189. *Telonium quod in Forestis exigebant Forestarii à plaustris & equis oneris causâ ad venientibus.* *Charta Forestæ*, cap. 14. *Nullus Forestarius de cetero, qui non sit Forestarius de Feodo, reddens nobis firmam pro baliva sua, capiat Chiminagium aliquod in Baliva sua, &c.* — *Et quadam Consuetudo vocat.* The Feudists call it *Pedagium*. This in *Poulton*, fol. 8. is falsely Printed *Chimmage*; and in a Record in the Tower, I find *Chimage*.

**Chiminage**, inter *Rostormel & Lestreitbiel* quondam ad xii d. per ann. MS. Survey of the Duchy of Cornwall.

**Chimney-Money**, Otherwise called *Hearth-Money*. By Statute 14 Car. 2. cap. 12. Every Fire-Hearth and Stove of every Dwelling, and other House within England and Wales, (except such as pay not to Church and Poor) shall be chargeable with Two Shillings per annum, payable at Michaelmas and Lady-day, to the King, his Heirs, &c. Which payment is vulgarly called *Chimney-Money*. See *Smoke-Silver* and *Fuage*.

**Chippingavel**, rectius *Cheapingavel*, Toll for buying and selling. See *Bagavel*.

**Chirgemot**, *Cirgemot*, or *Chirch-gemot*. (Sax.) *Forum Ecclesiasticum.* — *Quosque Chirgemot Discordantes inveniet, vel amore congreget, vel sequestret judicio.* LL. Hen. 1. cap. 8. and 4 Inst. fol. 321.

**Chirograph**, (*Chirographum*, or *scriptum Chirographatum*.) Anciently when they made a *Chirograph* or Deed, which required a Counterpart, as we call it, they Engrossed it twice upon one piece of Parchment contrariwise, leaving a space between, in which they wrote in great Letters the word **CHIROGRAPH**; and then cut the Parchment in two, sometimes even, sometimes with Indenture, through the midst of the word, concluding the Deed with, — *In cuius rei Testimonium utraque pars mutuo scriptis presentibus, fide media sigillum suum fecit apponi.* This was afterwards called *Dividenda*, because the Parchment was so divided or cut. And the first use of these *Chirographs* was in Henry the Third's time. See *Indenture*. *Chirograph* was also of old used for a Fine. — *Promittens fideliter fide media sub iuramento iuramenti prestiti, quid in adventu Justiciariorum prox. errantium levare faciam Chirographum de premissa Remissione, &c.* *Carta Nestz de Stanley sine dat. in Registro de Wormley.*

**Chirographer of Fines**, (*Chirographus Finium & Concordarum*, of the Greek *χρηρὸς εἰσαγωγῆς*, i. A Writing of a Mans own Hand, whereby he acknowledges a debt to another.) Signifies that Officer in the Common-Pleas, who ingrosseth Fines in that Court acknowledged, into a Perpetual Record, (after they are examined, and fully passed by other Officers,) and that writes and delivers the Indentures of them to the Party. Anno 2 Hen. 3. cap. 8. — 2 Hen. 4. 8. and Fitz. Nat. Br. fol. 147. A. This Officer makes two Indentures, one for the Buyer, another for the Seller, and makes one other indented piece, containing also the effect of the Fine, which he delivers to the *Custos Brevium*, which is called the *Foot of the Fine*. The *Chirographer* also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statute, and endorseth the Proclamations, upon the backside of the Foot thereof; and always keeps the Writ of Covenant, and the Note of the Fine. See *Tabling of Fines*, Anno 23 Eliz. cap. 3. and 2 Parr. Inst. fol. 468.

**Chivage**. See *Chevage*.

**Chivalry**, (*Servitium Militare*.) Comes from the Fr. *Chevalier*, i. *eques*; and signifies a Tenure of Land by Knights-service, whereby the Tenant was bound to perform a Service in War unto the King or the Mesn Lord, of whom he held by that Tenure: The further explication of which Tenure, and the several Branches of it, may be omitted, since by Stat. 12 Car. 2. cap. 24. All Tenures by Knights-service of the King, or of any other person, Knight-service in Capite, or Socage in Capite of the King, and the Fruits and Consequences thereof, hapned, or which shall or may hap-pen, or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Mannors, Lands, &c. shall be construed and adjudged for ever to be turned into Free and Common Socage, &c.

**Choral**, (*Choralis*.) may relate to any person, that by virtue of any of the Orders of the Clergy, was in ancient time admitted to sit and serve God in the Quire, in Latin (*Chorus*.) Accordingly Mr. Dugdale (in his History of S. Paul's Church, pag. 172.) says, There were anciently Six Vicars Choral belonging to that Church.

**Chose**, (Fr.) Thing: It is used with divers Epithets, as *Chose Local*, is such a thing as is annexed to a place: For example, a Mill is *Chose Local*. *Chose Transitory* seems to be that thing, which is moveable, and may be taken away, or carried from place to place. *Kitchin*, fol. 18. *Chose in Action*, is a thing incorporeal, and only a right, as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit, for any Debt or Duty, Trespas or Wrong, are to be accounted *Choses in Action*. And it seems *Chose in Action* may be also called *Chose in Suspence*; because it hath no real existence, or being, nor can properly be said to be in our possession. *Broke*, tit. *Chose in Action*. *Chop*

**Chop-church**, (*Ecclesiarum permutatio*.) Is a word used 9 Hen. 6. 65. a. By the sense of which Book, it was in those days a kind of Trade; For the Judges say, It was a lawful Occupation, and a good Addition; yet *Brook* in his *Abridgement* calls it not an Occupation, but a thing permissible by Law. It was (without doubt) a nick-name given to those that used to change Benefices: For to *chop and change*, is an usual expression to this day. I have also read *Church-Chopper*, for him that used to make such changes, — *Alii vero quorundam satorum xizania, subversorum Justicie, & inaudita abusione inventorum, ut illis verbis utamur Choppe-Churches, communiter appellati, mediatione dolosa interveniente, execrabili ardore avaritia, quandoque in subdolis permutationibus, hos nimia inaequalitate Beneficiorum, ac illos quandoque optentis Beneficiis, fucatis coloribus totaliter destitunt & defraudant; in tantum quod ex inde de opulentibus effecti miseri, & fodere non valentes, aliquando inordinata concepta doloris anxietate deperiunt, & sepius in Cleri & Ecclesie scandalum nimia egestatis penuria, mendicare miserabiliter compelluntur.* Litera missa omnibus Episcopis suffraganeis Domini contra *Choppe-Churches*. An. 1391. *Spelm. de Conc. vol. 2. fol. 642.*

**Church-Reve.** A Church-Warden. *Præpositus Ecclesie* or *Gardianus Ecclesie*; of whom, thus *Chaucer*, speaking of the Jurisdiction of Archdeacons,

**Of Church-Reves, and of Testaments,  
Of Contracts, and lack of Sacraments, &c.**

**Church-Wardens**, (*Ecclesie Gardiani*.) Are Officers yearly chosen, by consent of the Minister and Parishioners, according to the custom of every place, to look to the Church, Church-yard, and such things as belong to both, and to observe the behaviour of their Parishioners, for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastick. These are a kind of Corporation, enabled by Law to sue, and be sued for any thing belonging to the Church, or Poor of their Parish. *Anno 12 Hen. 7. cap. ult. See Lamberti's Duty of Church-Wardens.*

**Churcheslet**, **Circiseat**, **Chercheomer**, **Chercheambze**, **Circlet**, **Kirkled**, **Chirlet**, or **Curtlet**, (*Sax. Censur vel tributum Ecclesie, minus Ecclesiasticum, portio Ecclesie; Chirchletot. Certam mensuram bladi tritici significat, quam quilibet olim Sancte Ecclesie die Sancti Martini, tempore tam Britonum quam Anglorum contribuerunt. Plures tamen Magnates, post Romanorum adventum, illam contributionem secundum veterem legem Moysi nomine primitiarum dabant: Prout in brevi Regis Knuti, ad summum Pontificem transmissa, continetur, in quo illam contributionem Churcheslet appellant, quasi, semen Ecclesie.* *Selden's History of Tythes, pag. 216.* — *Et de essarto & de prato & de Chirlet ejusdem ville, &c. Cart. de Anno 1 Edw. 3. num. 3. And Pat. 13 Edw. 4. par. 2. m. 17. it is written*

*Cherchez*; but the true Saxon is *Cypic-seat*. See *Circistreat*.

**Cinque-Ports**, (*Quinque Portus*.) Are those special Havens that lie towards *France*, and therefore have been thought by our Kings, to be such as ought most vigilantly to be preserved against Invasion. In which respect, they have an especial Governor or Keeper, called, by his Office, *Lord Warden of the Cinque-Ports*, and divers privileges granted them, as a peculiar Jurisdiction; their *Warden* having the Authority of an Admiral among them, and sending out Writs in his own Name. See *Gardein of the Cinque-Ports*, and the Stat. 32 Hen. 8. cap. 48. See *Quinque Portus*, and 4 *Inst. fol. 222.*

**Cippus**, A Pair of Stocks to put Offenders in. — *Habeant, nec non Cippos & conclusoria in singulis villis, ad correctionem delinquentium.* Mon. Angl. 2 par. fol. 349. a.

**Circuit of Action**, (*Circuitus Actionis*.) Is a longer course of proceeding to recover the thing sued for, than is needful. As, if a Man grant a Rent-charge of x l. out of his Mannor of *Dale*, and after the Grantee Disseiseth the Grantor of the same Mannor, who brings an Assise, and recovers the Land, and xx l. damages; which being paid, the Grantee brings his Action for x l. of his Rent due, during the time of the Disseisin, which he must have had, if no Disseisin had been. This is called *Circuit of Action*, because, whereas the Grantor was to receive xx l. damages, and pay x l. rent, he might have received but x l. only for damages, and the Grantee might have kept the other x l. in his hands, by way of *Deteiner* for his Rent, and so have saved his Action. *Terms Ley.*

**Circumspecte Agatis**, Is the Title of a Statute made in the Thirteenth of *Edward* the First, *Anno Domini 1285.* prescribing certain Cases to the Judges, wherein the Kings Prohibition lies not. *Coke, lib. 7. fol. 44. Lib. 5. fol. 67. And 2 Part. Inst. fol. 487.*

**Circumstantibus**, (*i. By-standers*.) Signifies the supply, or making up the number of Jurors, (if any impanel'd appear not, or appearing be challenged by either party,) by adding to them so many of those that are present or standing by, as will serve the turn. 35 H. 8. c. 6. and 5 *Eliz. cap. 25.*

**Circiseat**, (*Sax. Cypic-seat, Vestigal Ecclesiasticum, frumenti tributum.*) *Church-seat*, a certain Portion, Tribute or Payment made to the Church, of Corn, Fruit, or any other thing. *Fleta* calls it *Circsed*, quasi, *Semen Ecclesie debitum.* *Joh. Southam ad Festum S. Martini in Yeme debet 1 Gallinam (de redditu) & 5 Gallinas de Chirseat.* *Customar. Monast. de Bello. fol. 87. a.* This Tribute was anciently payable at the Feast of *S. Martin*, as appears by *Domesday*, and called by *Sir Edw. Coke*, *Church-feed*, on *Littl. fol. 88. b.* See *Churcheslet*.

**Citatio ad instantiam partis**, (22 & 23 Car. 2. Stat. for laying Impositions on Proceedings at Law.)

City.



**City**, (*Civitas*,) Signifies with us, as it doth in other Regions, such a Town Corporate, as hath a Bilhop and a Cathedral Church. Yet *Crompton* in his *Jurisdiction*, in reckoning our Cities, leaves out *Ely*, though it have a Bilhop and a Cathedral Church. *Anno 35 Eliz. cap. 6.* *Westminster* is called a *City*, and it appears by the Statute 35 *Hen. 8. cap. 10.* that then there was a Bilhop of *Westminster*: But by Letters Patent dated 21 *May, 2 Eliz.* (pursuant to an Act of Parliament of 1 *Eliz.* not Printed) the Revenues of that late Monastery were vested in the Dean and Chapter of the Collegiate Church of *Westminster*, which hath caused Error in the Pleadings of some Cases, by styling it the Cathedral, for Collegiate, Church of *Westminster*. *Cassaneus de Consuetud. Burgum. pag. 15.* saith, That France hath within its Territories 104 Cities, and gives his reason, Because there are so many Seats of Archbishops and Bishops. Yet Sir *Edward Coke* (on *Littl. fol. 109. b.*) notes *Cambridge* to be a City by ancient Record, (*viz. Mich. 7 Rich. 1. Rer. 1.*) Though I find no mention of its ever having been an Episcopal See. And in the Stat. 11 *Hen. 7. cap. 4.* it is called the Town of *Cambridge*.

**Clack**; As to *clack*, force, and hard, alias beard good Wooll, *Anno 8 Hen. 6. cap. 22.* whereof the first, *viz. to clack Wooll*, is to cut off the Sheeps mark, which makes it weigh less, and so yield the less custom to the King. To force Wooll is, to clip off the upper and more hairy part of it; to hard or beard it, is to cut the Head and the Neck from the rest of the Fleece.

**Claim**, (*Clameum*,) Is a Challenge of Interest in any thing that is in the possession of another, or, at the least, out of his own; as *Claim* by Charter, *Claim* by Descent, &c. *Old Nat. Br. fol. 11.* *Si Dominus infra annum clameum qualitercunque apposerit, Bracton, lib. 1. cap. 10.* See the definition and divers sorts of *Claim*, in *Plowden, Casu Stowel, fol. 359. a.*

**Clamea Admittenda in itinere per Attornatum**, Is a Writ whereby the King commands the Justices in Eyre, to admit ones *Claim* by Attorney, who is employed in the King's Service, and cannot come in his own Person. *Reg. of Writs, fol. 19. b.*

**Clap-board**, (*Anno 35 Eliz. cap. 11.*) Is Board cut in order to make Cask or Vessels.

**Clarentius**. See *Herald*.

**Classarius**, a Seaman or Soldier serving at Sea. — *Omnesque ejus Capitaneos, Milites & Classarios.* — *Carta Caroli 5. Imperatoris Thomæ Comiti Surr. dat. in urbe Londinensi, 8 Junii 1522.*

**Claud**, (*Bristish*,) A Ditch. — *Per illud rivulum usque ad quoddam Claud juxta Coetmann.* *Carta Lewlini Principis Wallie, dat. Anno 1198.*

**Claves Insulæ, i.** The Keys of the Island. In the Isle of *Man* all ambiguous and weighry Cases are referred to Twelve, whom they call *Claves Insulæ*.

**Claus Roll**, (*Rotuli Clausi*,) contain all such matter of Record, as was contained in *Clofe Writs*.

**Clausura**, An Inclosure, or that which fences it. — *In sapibus, in Clausuris, in communis.* 2 *Mon. Angl. fol. 403. a. 30.*

**Clausum Fregit**. Mr. *Sommer*, in his *Saxon Dictionary*, conceives the original of those much used words in our Law-Pleadings, might come from the Saxon *Eðer-byryce*, which signifies Hedge-breaking, (the Boughs, which cloe the top of the Hedge, being usually called *Eðerings*.)

**Clausum Pasche**. *Stat. of Westm. 1. Lendmaine de la Cluse de Pasche*, that is, In *Craftino clausi Pasche*, or, in *Craftino Octabis Pasche*, which is all one; *viz.* The morrow of the *Utas* of *Easter*. 2 *Part. Inst. fol. 157.* — *Ad Curiam cum visu Franci Pleg. tent. apud Maurdin die Jovis prox. post Festum Clausi Pasche, Anno 17 Edw. 4. Testatum fuit quod, &c. Clausum Pasche, i. Dominica in Albis; sic dictum, quod Pascha Claudit.*

**Clausura Heye**, — *Johannes Stanley Ar. c. amat quod ipse & heredes sui sunt quieti de Clausura Heye de Macclesfield, scil. Clausura unius Rodæ terræ circiter hayam prædict. Rot. Plac. in Itinere apud Cestriam, Anno 14 Hen. 7.* See *Clausura*.

**Clergy**, (*Clerus*,) Is diversly taken, sometime for the whole number of those, who are *De Clero Domini*, of our Lords lot or share, as the Tribe of *Levi* was in *Judea*; sometimes for a Plea to an Indictment, or an Appeal, and is by *Stamf. (Pl. Cor. lib. 2. cap. 41.)* thus defined. — *Clergy* is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, When a Priest, or one in Orders, is arraigned of Felony before a Secular Judge, he may pray his *Clergy*, which is as much, as if he prayed to be delivered to his Ordinary, to purge himself of the offence objected. And this might be done in case of Murder. *Coke, lib. 4. fol. 46. a.* This liberty is mentioned in *Articulus Cleri. Anno 9 Edw. 2. c. 26.* and what persons might have their *Clergy*, and what not, see *Stamf. Pl. Cor. lib. 2. cap. 42, & 43.* Yet there are many Statutes made since he wrote that Book, whereby the benefit of *Clergy* is abridged; As *Anno 8 Eliz. cap. 4.* — 14 *Ejusdem, cap. 5.* — 18 *Ejusdem, cap. 4, 6, 7.* — *Anno 23 Ejusdem, cap. 2.* — 29 *Ejusdem, cap. 2.* 31 *Ejusdem, cap. 12.* and 39 *Ejusdem, cap. 9. & 15.* Of this see *Crompton's Justice of Peace, fol. 102.* — 105. And *Lambert Eiren. lib. 4. cap. 14.* And note, that the ancient course of Law in this point, is much altered; for by the Statute of 18 *Eliz. cap. 7.* Clerks are no more delivered to their Ordinaries to be purged, but now every Man, to whom this benefit is granted, though not in Orders, is put to read at the Bar, after he is found guilty, and convicted of such Felony, and so burnt in the hand, and set free for the first time, if the Ordinaries Commissioner or Deputy standing by do say, — *Legit ut Clericus,* OR

or otherwise he suffers death for his transgression. *Cowel.*

**Clerico Admittendo,** Is a Writ directed to the Bishop, for the admitting a Clerk to a Benefice, upon a *Ne Admittas* tried and found for the party that procures the Writ. *Reg. of Writs, fol. 31.*

**Clerico capto per Statutum Mercatorum,** &c. Is a Writ for the delivery of a Clerk out of prison, who is imprisoned upon the Breach of a Statute Merchant. *Reg. of Writs, fol. 147.*

**Clerico convicto commisso Qualz in de-  
fectu Ordinarii deliberando,** Is a Writ for the delivery of a Clerk to his Ordinary, that was formerly convict of Felony, by reason his Ordinary did not challenge him according to the privileges of Clerks. *Reg. of Writs, fol. 69. a.*

**Clerico intra sacros ordines constituto,  
non eligendo in Officium,** Is a Writ directed to the Bailiffs, &c. that have thrust a Bailiwick or Beadleship upon one in Holy Orders, charging them to release him. *Reg. of Writs, fol. 143. a.*

**Clerk, (Clericus,)** Hath two significations; one, as it is the title of him that belongs to the Holy Ministry of the Church; under which, where the Canon-Law hath full power, are, not only comprehended *Sacerdotes & Diaconi*, but also *Subdiaconi, Cantores, Acolyti, Exorcista, & Ostiarii.* And in this signification, a Clerk is either Religious, (otherwise called Regular,) or Secular. *Anno 4 Hen. 4. cap. 12.* The other denotes those, who by their function or course of life, practise their Pen in any Court, or otherwise; as, the Clerk of the Rolls of Parliament, Clerks of the Chancery, &c. whose peculiar Offices shall be set down in order.

This word *Clericus* comprehends all sorts of Priests, Deacons, and others in Holy Orders, either Secular or Regular; but more properly a Minister or Parish Priest, as one who is more peculiarly called *in sortem Domini.* *Poor Vicars Plea, fol. 13.* Yet *Johannes Suwel Clericus Domini Regis, (scil. Edw. 1.)* was supposed to signify Secretary, or Clerk of his Council. *Antiq. of Nott. Shire, fol. 317.*

**Clerk of the Parliament Rolls, (Clericus Rotulorum Parliamenti,)** Is he that Records all things done in the High Court of Parliament, and engrosseth them fairly in Parchment Rolls, for their better preservation to posterity. Of these there are two, one of the Lords House, another of the House of Commons, *Crompt. Jurisd. fol. 4. & 8. Smith de Repl. Angl. pag. 38.* See also *Vowel's Book*, touching the Order of the Parliament.

**Clerk of the Crown in Chancery, (Clericus Corone in Cancellaria,)** Is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares, for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from His Majesty, or by Order of His Council, as well ordinary as extraordinary, viz. Commissions of

Lieutenancy, of Justices Itinerant, and of Assizes of Oyer and Terminer, of Goal Delivery, and of the Peace, with their *Writs of Association*, and the like. Also, all General Pardons upon Grants of them, at the Kings Coronation, or at a Parliament, where he sits in the Lords House in Parliament time; into whose Office the Writs of Parliament, made by the Clerks of the Pettibag, with the names of Knights and Burgeses, elected thereupon, are to be returned and filed. He hath also the making of all special Pardons, and Writs of Execution upon Bonds of Statute Staple forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable attendance: Both these before being common for every *Cursitor* and Clerk of the Court of Chancery to make.

**Clerk of the Crown, (Clericus Corone,)** Is a Clerk or Officer in the Kings Bench, whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick crime. He is otherwise termed *Clerk of the Crown-Office.* And *Anno 2 Hen. 4. cap. 10.* he is called *Clerk of the Crown of the Kings Bench.*

**Clerk of Assize, (Clericus Assisorum,)** Is he that writes all things judicially done by the Justices of Assize in their Circuits. *Crompt. Jurisd. fol. 227.*

**Clerk of the Chest, (Anno 16 Car. 2. c. 5.)** Keeps an accompt of the Moneys collected, and kept in a Chest, for the use of sick and maimed Seamen and Mariners.

**Clerk of the Excheats, (Clericus Extrahorum,)** Is a Clerk belonging to the Exchequer, who Termly receives the *Estreats* out of the Lord Treasurers Remembrancers Office, and writes them out to be levied for the King. He also makes Schedules of such Sums estreated, as are to be discharged. See the *Practice of the Exchequer, pag. 82.*

**Clerk of the Pell, (Clericus Pellis,)** Is a Clerk belonging to the Exchequer, whose Office is to enter every Tellers Bill into a Parchment Roll, (called *Pellis Receptorum*,) and also to make another Roll of Payments, which is called *Pellis Exitum*, wherein he sets down by what Warrant the Money was paid, mentioned in the *Stat. 22 & 23 Car. 2. for Subsidy.* This Officer is called in ancient Records *Clericus Domini Theauri.*

**Clerk of the Paper Office,** Is an Officer in the Kings Bench.

**Clerk of the Rules,** mentioned 22 & 23 Car. 2. Is an Officer in the Court of Kings Bench.

**Clerk of the Warrants, (Clericus Warrantorum,)** Is an Officer belonging to the Court of Common Pleas, who entrench all Warrants of Attourney for Plaintiff and Defendant, and inrols all Deeds of Indentures of Bargain and Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he



Extreats into the *Exchequer* all Issues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a standing Fee of Ten Pounds of the King, for making the same Extreats. See *Fitzh. Nat. Br. fol. 76.*

**Clerk of the Pettibag,** (*Clericus Parvae bagae*.) Is an Officer of the *Chancery*, of which sort there are three, and the Master of the *Rolls* their chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Comptrollers, and Aulnegers; all *Conge de Esloires* for Bishops; all *Liberates* upon Extents of Statute Staples; the recovery of Recognisances forfeited; and all *Elegits* upon them; the Summons of the Nobility, Clergy, and Burgeses to the Parliament; Commissions directed to Knights, and others of every Shire, for Assessing Subsidies; Writs for the nomination of Collectors for Taxes; and all Traverses upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain; of the Nobility, Bishops, &c. This Officer is mentioned 33 Hen. 8. cap. 22.

**Clerk of the Kings Great Wardrobe,** (*Clericus Magnae Garderobae Regis*.) Is an Officer of the Kings House, that keeps an Account or Inventory in Writing, of all things belonging to the Kings Wardrobe. Mentioned Anno 1 Edw. 4. cap. 1.

**Clerk of the Market,** (*Clericus Mercati Hospitii Regis*.) Is an Officer of the Kings House, (Anno 1 Edw. 4. cap. 1. and Anno 13 Rich. 2. cap. 4.) whose duty is to take charge of the Kings Measures, and to keep the Standards of them, that is, The examples of all the Measures that ought to be through the Land: As of Elms, Yards, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable to the said Standard, *Fleta, lib. 2. cap. 8, 9, 10, 11, 12.* Of which Office, as also of our diversity of Weights and Measures, you may there find a Treatise worth the reading. *Britton* also, in his 30 Chap. saith in the Kings Person, to this effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractate of this matter, that well shews the ancient Law and Practice in this point. Touching this Officers duty, you have also good Statutes. Anno 13 Rich. 2. cap. 4. and Anno 17 Car. 2. cap. 19. See 4 Inst. fol. 273.

**Clerk of the Kings Exchequer,** (*Clericus Argenti Regis*.) Is an Officer belonging to the Court of *Common Pleas*, to whom every Fine is brought, after it hath been with the *Custos Brevisium*, and by whom the effect of the Writ of Covenant is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the Court. And his Entry is in this form: He puts the Shire in the Margin, and then saith, *A. B. dat. Domino Regi disquidum marcam* (or

more according to the value,) *pro licencia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admissum, &c.*

**Clerk of the Peace,** (*Clericus Pacis*.) Is an Officer belonging to the Sessions of the Peace. His duty is, in the Sessions to read the Indictments, to enrol the Acts, and draw the Process: To record the Proclamations of Rates for Servants Wages, to enrol the discharge of Apprentices, to keep the Counterpart of the Indenture of Armour, to keep the Register Book of Licences, given to Badgers and Laders of Corn, and of those that are Licensed to shoot in Guns, and to certify into the *Kings Bench* Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace, within the time limited by Statute. *Lamberts Brev. lib. 4. cap. 3. fol. 379.*

**Clerk of the Signet,** (*Clericus Signeti*.) Is an Officer attendant continually on His Majesties Principal Secretary, who always hath the custody of the Privy Signet, as well for sealing His Majesties private Letters, as also such Grants as pass His Majesties Hand by Bill signed. Of these there are four that attend in their course, and have their Diet at the Secretaries Table. More largely you may read of their Office in the Statute made Anno 27 Hen. 8. cap. 11.

**Clerk of the Privy Seal,** (*Clericus Privati Sigilli*.) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) *Privy Seals* upon any special occasion of His Majesties affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute 27 H. 8. cap. 11. He that is now called the *Lord Privy Seal*, seems in ancient time to have been called *Clerk of the Privy Seal*, and to have been reckoned, notwithstanding, in the number of the great Officers of the Realm. Read the Statute 12 Rich. 2. cap. 11.

**Clerk of the Juries or Jurata Writs,** (*Clericus Juratorum*.) Is an Officer belonging to the Court of *Common Pleas*, who makes out the Writs called [*Habeas Corpora*] and [*Disfringas*] for appearance of Juries, either in Court, or at the Assizes, after the Jury or Panel is returned upon the [*Venire facias*]. He enters also into the Rolls the Awarding of these Writs, and makes all the continuance from the going out of the *Habeas Corpora*, until the verdict be given.

**Clerk of the Pipe,** (*Clericus Pipe*.) Is an Officer in the *Exchequer*, who, having all Accounts and Debts due to the King, delivered and drawn out of the Remembrancers Offices, charges them down into the great Roll; who also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Chattels of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurers Remembrancer,

membrancer, to write *Estreats* against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a charge to all Sheriffs of their Summons of the Pipe and Green Wax, and sees it answered upon their Accompts. He hath the drawing and ingrossing all Leases of the Kings Land. In Henry the Sixth's time, he was called *Ingrossator Magni Rotuli*.

**Clerk of the Hamper or Hanaper,** (*Clericus Hanaperii*.) Is an Officer in *Chancery*, (*Anno 2 Edw. 4. cap. 1.*) otherwise called *Warden of the Hamper*, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the Term time, and at all times of sealing, having with him Leather Bags, wherein are put all Charters, &c. After they are sealed, those Bags, being sealed up with the Lord Chancellors Private Seal, are delivered to the Comptroller of the Hamper, who upon receipt of them, doth, as you shall read in his Office. This *Hanaper* represents a shadow of that which the *Romans* termed [*Fiscum*], which contained the Emperors treasure.

**Clerk of the Ordnance,** Is an Officer in the Tower, who Registers all Orders touching the Kings Ordnance.

**Clerk of the Deliveries,** Is an Officer in the Tower, who takes Indentures for all Stores issued thence.

**Clerk of the Parcels,** Is an Officer in the Exchequer.

**Clerk of the Pleas,** (*Clericus Placitorum*.) Is an Officer in the Exchequer, in whose Office all the Officers of the Court (upon especial Privilege belonging unto them,) ought to sue, or to be sued upon any Action, &c. See the *Practice of the Exchequer*, pag. 86. and 4 *Inst. fol.* 107.

**Clerk of the Treasury,** (*Clericus Thesaurariae*.) Is an Officer belonging to the *Common Pleas*, who hath the charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all searches, and hath the certifying all Records into the *Kings Bench*, when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the servant of the Chief Justice, and removable at his pleasure, whereas all other Officers are for term of life. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, who hath some allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury door; and the chief Clerk of the Secondary another; so as the one cannot come in, without the other.

**Clerk of the Writs,** (22 & 23 Car. 2. cap. of impos. on Proceedings at Law,) is an Offi-

cer belonging to the Court of *Kings Bench*.

**Clerk of Essoyns,** (*Clericus Essoyniarum*.) Is an Officer belonging to the Court of *Common Pleas*, who keeps the *Essoyn-Rolls*, and hath for every Execution to Bar the *Essoyn*, in case where the party hath omitted his time, six pence. He hath also the providing of Parchment, and cutting it out into Rolls, and marking the numbers upon them, and the delivery out of all the Rolls to every Officer, the receiving them again when they are written, and the binding and making up the whole Bundles of every Term; and this he doth as Servant to the Chief Justice. For the Chief Justice is at charge for the Parchment of all the Rolls; for which he is allowed, as the Chief Justice of the *Kings Bench*, besides the penny for the Seal of every Writ of Privilege and Utlary, the seventh penny taken for the Seal of every Writ under the Green Wax, or Petit Seal in the Court of *Kings Bench* and *Common Pleas* respectively, the said Lord Chief Justices having annexed to their several Offices or places, the custody of the said Seals belonging to each Court.

**Clerk of the Outlaries,** (*Clericus Utlagariarum*.) Is an Officer belonging to the Court of *Common Pleas*, being only the Servant or Deputy to the Kings Attorney General, for making out Writs of [*Capias Utlagatum*], after Outlary; the Kings Attornies Name being to every one of those Writs. And whereas seven pence is paid for the Seal of every other Writ, betwixt party and party, there is but a penny paid for the Seal of this Writ, because it goes out at the Kings Suit.

**Clerk of the Superseas,** is an Officer belonging to the Court of *Common Pleas*, who makes out the Writ of *Superseas*, (upon the Defendants appearing to the *Exigent*,) whereby the Sheriff is forbidden to return the *Exigent*.

**Clerk of the Errors,** (*Clericus Errorum*.) In the Court of *Common Pleas* does transcribe and certify into the *Kings Bench*, the Tenor of the Records of the Cause or Action; upon which, the *Writ of Error* (made by the *Cursitor*) is brought, there to be judged and determined. The Clerk of the Errors in the *Kings Bench*, does likewise transcribe and certify the Records of such Causes in that Court into the Exchequer, if the Cause or Action were by *Bill*: If by *Original*, the Lord Chief Justice certifies the Record into the *House of Peers* in Parliament, by taking the Transcript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determined, according to the Statutes 27 Eliz. 8. and 31 Eliz. 1. The Clerk of the Errors in the Exchequer, does Transcribe the Records, certified thither out of the *Kings Bench*, and prepares them for Judgment in the Court of Exchequer, to be given by the Justices of the *Common Pleas*, and Barons there. See 16 Car. 2. cap. 2. and 20 *Edw. 4. cap. 4.*

**Clerk of the Patents,** or of the Letters Patent under the Great Seal of England, was erected 16 Jac. Clerk



**Clerk of the Sewers,** (*Clericus Suerarum*.) Is an Officer appertaining to the Commissioners of Sewers, writing all things that they do by virtue of their Commission, for which see *Sewers*: And see the Statute of 13 *Eliz. cap. 9.*

**Clerk Comptroller of the Kings Bench,** (whereof there are two.) Is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Pursuivants, Messengers of the *Green-Cloth*, or other like. He hath also the oversight and controlling of all Defects and Miscarriages of any the Inferiour Officers, and to sit in the Counting-House with the Superiour Officers, (*viz.*) The Lord Steward, Mr. Treasurer, Comptroller, and Cofferer, either for correcting, or bettering things out of Order. This Officer is mentioned *Anno 33 Hen. 8. cap. 12.*

**Clerk of the Nichils or Nibils,** (*Clericus Nibilarum*.) Is an Officer in the Exchequer, who makes a Roll of all such Sums as are nibiled by the Sheriffs upon their Estreats of *Green-Wax*, and delivers the same into the Lord Treasurers Remembrancers Office, to have execution done upon it for the King. See the Stat. 5 *Rich. 2. cap. 13. Stat. 1. and Practice of the Exchequer, pag. 101.* See *Nihil*.

**Clerk of the Check,** Is an Officer in the Court, so called because he hath the *Check* and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen and Huissiers belonging either to His Majesty, the Queen, or Prince; either giving leave, or allowing their Absences or Defects in attendance, or diminishing their Wages for the same. He also nightly by himself, or Deputy, takes the view of those that are to watch in the Court, and hath the setting of the Watch. This Officer is mentioned *Anno 33 Hen. 8. cap. 12.* Also there is an Officer of the same name in the Kings Navy, and mentioned *Anno 19 Car. 2. cap. 1.*

**Clerk Marshal of the Kings House,** Seems to be an Officer that attends the Marshal in His Court, and records all His Proceedings. *Anno 33 Hen. 8. cap. 12.*

**Clerk of the Acts,** is an Officer of good account in the Navy Office, who receives and records all Orders, Contracts, Bills, Warrants, and other Businesses, transacted by the Lord Admiral and Commissioners of the Navy; and is mentioned in the Stat. 16 *Car. 2. cap. 5.* and 22 & 23 *Car. 2.*

**Cletæ,** (*Fr. Clayt.*) hurdles to fold or keep Sheep in. *Tenentes de Hampton debent querere sex summas virgarum apud Bescum de Haya juxta Heref. ad cletas mundinarum faciendas. Lib. Nig. Heref. fol. 61.*

**Closh,** Was an unlawful Game, forbidden by the Statute of 17 *Edw. 4. cap. 3.* and seems to have been the same with our *Nine-Pins*; elsewhere called *Closh-cayls.* *Anno 33 Hen. 3. cap. 9.*

**Clove,** Is the Two and thirtieth part of a Weight of Cheese, *i.* Eight pound. *Anno 9 H. 6. cap. 8.* See *Waga.*

**Cocherings,** An Exaction or Tribute in

Ireland; now reduced to chief Rents. See *Bonaght.*

**Cocket or Coker,** (*Cockettum*.) Is a Seal belonging to the Kings Custom-House. *Reg. of Writs, fol. 192. a.* Also a Scroll of Parchment sealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant, that their Merchandises are customed. *Anno 11 H. 6. cap. 16.* Which Parchment is otherwise called *Litera de Cocketto*, or *Litera testimoniales de Cocketto.* *Reg. fol. 179. a.* So is the word used, *Anno 5 & 6 Edw. 6. cap. 14.* And 14 *Edw. 3. Stat. 1. cap. 21.* None shall make *Wools* to be Cockerted, but in the name of him to whom the *Wools* be. *Anno 13 Rich. 2. cap. 9. Inquisitio & Placitum contra quosdam qui lanas non Cockettatas custumatas extra regnum duxerunt.* Inter Recorda de Rec. Scacc. Mich. 26 *Edw. 3. Et Ballivi sui capiunt ad Caput pontis de Berewyk omnes homines venientes cum lanis, cores vel pellibus vendendi sine ligno quod vocatur Coket.* Pla. Parl. 21 *Ed. 1.*

**Coker,** Is also used for a distinction of Bread in the Statute of Bread and Ale, made 51 *H. 3.* The words are, *When a quarter of Wheate is sold for xii d. then Wastel-Bread of a Farthing shall weigh vi l. and xvi s; but Bread-Cocket of a Farthing, of the same Corn and Bultel, shall weigh more than Wastel by ii s. And Coker-Bread made of Corn of lower price, shall weigh more than Wastel by v s. Bread made into a Simnel, shall weigh ii s. less than Wastel: Bread made of the whole Wheate, shall weigh a Cocket and a half; so that a Cocket shall weigh more than a Wastel by v s. Bread of Treer shall weigh two Wastels; and Bread of Common Wheate shall weigh two great Cockets. When a Quarter of Wheate is sold for xviii d. then Wastel-Bread of a Farthing, white and well-baker, shall weigh iv l. x s. when for ii s, iii l. viii s, &c. By which we may perceive, that *Wastel-Bread* was the finest, *Coker-Bread* next, then Bread of Treer, and lastly, Bread of Common Wheate; as we now call the finest Bread, Wheaten, or French Bread, the second sort White Bread, the third Brown, or Household Bread, &c. In Oxford anciently they had a course Bread called *Mutestyn*, *hoc est Panem fursuraceum vel atrum.* Hist. Oxon. fol. 158. b.*

**Codicil,** (*Codicillus*.) A Schedule or Supplement to a Will, or some other Writing; some Writers, conferring a Testament and a *Codicil* together, call a Testament a great Will, and a *Codicil* a little one; and compare a Testament to a Ship, and the *Codicil* to the Boat tied to it.

*Codicil* is used as an addition annexed to a Testament, when any thing is omitted, which the Testator would add, explain, alter or retract; and is the same with a Testament, but that it is without an Executor. See *Swinb. pag. 1. sect. 5.* and *Touchstone of Wills, pag. 21, 22.*

**Cofferer of the Kings Household,** Is a Principal Officer of the Court, next under the Comptroller,

**Comptroller**, who in the Counting-House, and elsewhere, hath a special charge and oversight of other Officers of the Household, for their good demeanor and carriage in their Offices, and pays their Wages. This Officer is mentioned *Anno 39 Eliz. cap. 7.*

**Cogs**, (*Cogones*.) Seems to be a kind of Vessel or Boat, upon the River of *Ouse*, and Water of *Humber*, mentioned in the Statute of 23 H. 8. cap. 18. Also a small Ship; For I find in *Matth. Westm. Anno Dom. 1066.* — *Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggonibus advektus.* About *Scarborough* they have still a sort of small Vessels, which they call *Coggles*, i. little Cogs.

**Cognitione.** See *Cofenage*.

**Cognifor.** See *Comifor*.

**Cognitionibus Mittendis**, Is a Writ to a Justice, or other that hath power to take a Fine, (who having taken it, defers to certify it into the Court of *Common Pleas*.) commanding him to certify it. *Reg. of Writs, fol. 68. b.*

**Cognizance**, (*Fr. Cognissance, i. cognitio*.) Is used diversly; sometimes signifying the Badge of a Waterman, or Serving-Mans Sleeve, which is commonly the Givers Crest, whereby he is discerned to belong to this, or that, Noble or Gentleman: Sometimes an acknowledgment of a Fine, or Confession of a thing done; as *Cognoscens latro. Bract. lib. 3. tract. 2. cap. 320, 32.* And to make *Cognizance* of taking a Distress. Sometimes, as an audience or hearing a matter judicially, as to take *Cognizance*. Sometimes a Power or Jurisdiction, as *Cognizance of Plea*, is an ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it. *Manw. par. 1. pag. 68.* For such *Cognizance* lies not in Prescription.

**Cogware**, Seems to be a sort of Course Cloaths, made in divers part of *England*, mentioned in the Stat. 13 Rich. 2. cap. 10. Where there is mention also of *Cogmen*, that is, Buyers of, Makers or Dealers in, such *Cogware*.

**Coif**, (*Coifa, Fr. Coiffe*.) Our Serjeants at Law, are otherwise called *Serjeants of the Coif*; from the *Lawn Coif* they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*; and *Matth. Paris in Anno 1259.* and *Fortescu de LL. Anglia, cap. 50.*

**Coin**, (*Fr. Coign, i. Angulus*, which probably verifies the opinion of such as hold the ancientest sort of *Coin* to be cornered, and not round,) any sort of Money coined. *Crompt. Just. of P. fol. 220.*

**Coinage**, (*Cunagium*.) Besides the general signification, relating to Money: It is by a Law provided, That all the Tin in *Cornwall*, after it is cast and wrought, shall be weighed and marked by the Kings Officer, with a Lyon Rampant, which is called *Coinage*. *Britan. fol. 186.* and *Anno 11 Hen. 7. cap. 4.* Some Authors write it *Cunage*.

**Coket.** See *Cocket*.

**Coliberts**, (*Coliberti, Sunt tenentes in libero Socaggio per liberum redditum.* MS. Of such as of Villains were made Freemen. *Domesday.*

**Collateral**, (*Collateralis*.) Sidewise, or which hangs by the side, or comes in side-wards, not direct: As *Collateral Assurance*, is that which is made over and beside the Deed it self; as, If a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed *Collateral Assurance*; because it is external, and without the nature and essence of the Covenant. And *Crompton (Juris. fol. 185.)* saith, That, to be subject to the feeding of the Kings Deer, is *Collateral to the Soil within the Forest*. So we may say, That Liberties to pitch Booths, or Standings for a Fair in another Mans Ground, is *Collateral to the Ground*. The Private Woods of a common person, within a Forest, may not be cut without the Kings Licence; for it is a Prerogative *Collateral to the Soil*. *Manwood, par. 1. pag. 66.*

**Collateral Warranty.** See *Warranty*.

**Collation of Benefice**, (*Collatio Beneficii*.) Signifies properly the bestowing a Benefice by the Bishop, who hath it in his own gift or patronage, and differs from *Institution* in this, That *Institution* into a Benefice is performed by the Bishop, at the motion or presentation of another, who is Patron of it, or hath the Patrons right for the time. Yet *Collation* is used for *Presentation*, *Anno 25 Edw. 3. Stat. 6.*

**Collatione facta uni post mortem alterius, &c.** Is a Writ directed to the Justices of the *Common Pleas*, commanding them to direct their Writ to a Bishop, for the admitting a Clerk in the place of another presented by the King, who, during the Suit between the King and the Bishops Clerk, is departed this life: For, Judgment once passed for the Kings Clerk, and he dying before admittance, the King may bestow his Presentation on another. *Reg. of Writs, fol. 31. b.*

**Collegiat Church**, is that which consists of a Dean and Secular Canons, as that of *Westminster* is.

**Colour**, (*color*.) Signifies a probable Plea, but in truth, false; and hath this end, to draw the tryal of the Cause from the Jury to the Judges. As, in an Action of *Trespais* for taking away the Plaintiffs Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possessed of them, as of his proper Goods, and delivered them to A. B. to deliver them to him again, when, &c. And A. B. gave them to the Plaintiff, and the Plaintiff, supposing the property to be in A. B. at the time of the gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. — This is a good *Color*, and a good Plea. See *Doctor and Student, lib. 2. cap. 13.* And *Broke, rit. Color in Assise, Trespass, &c. fol. 104.*

**Collusion**, (*Collusio*.) Is a deceitful agreement or compact between two or more, for the one



party to bring an Action against the other to some evil purpose; as to defraud a third person of his right, &c. See the Statute of *Westmin.* 2. cap. 32. and 8 Hen. 6. cap. 26. which gives the *Quale jus* and Enquiry in such Cases. See *Broke, tit. Conclusion*; and *Reg. of Writs*, fol. 179. a. Gifts made by *Collifion*, see in 50 Edw. 3. cap. 6.

**Colpicium.** — *Hec Carta Cyrogrophata restatur, quod Dominus Willielmus de Herle dedit — R. Peni servienti suo Capitale Messuagium de B. cum una Carucata terre, & pastura ad octo boves infra boscon de W. salvo Colpiciis infra bosconum prædictum factis & impostum faciendis, donec ad perfectionem pervenerint, quod se contra omnimoda animalia defendere poterint.* I suppose by *Colpiciis* is meant Samplers, or young Poles, which being cut down make Leavers or Lifters, in *Warwickshire* called *Colpices* to this day.

**Combat.** (Fr.) Signifies as much as *Certamen*, *pugna*. But with us it is taken for a formal tryal between two Champions, of a doubtful cause or quarrel, by the Sword or Bastons; of which you may read at large in *Glanville*, lib. 14. cap. 1. *Bracton*, lib. 3. tract. 2. cap. 21. *Britton*, cap. 22. *Horns Mirror of Justice*, lib. 3. cap. Des Exceptions in fine proxime, & cap. *Juramentum Duelli*. *Dyer*, fol. 301. num. 41, 42. The last Trial by combat was admitted 6 Car. 1. between *Donnold Lord Rey* or *Rhee*, Appellant, and *David Ramsey Esq;* Defendant, Scotchmen, in the Painted Chamber at *Westminster*, before *Robert Earl of Lindsey*, Lord High Constable, *Thomas Earl of Arundel*, Earl-Marshal, with other Lords; where, after the Court had met several times, and Bill, Answer, and Replication put in by the Parties, and Council heard, with other Formalities, it was at last determined, that the matter should be referred to the Kings will and pleasure, whose favour enclined to *Ramsey*. See *Coke on Littl.* fol. 294. b. *Origines Juridicales*, fol. 65. And *Spelman's Gloss.* at large, verbo, *Campus*.

**Comitatus.** *De firmis mortuis & debitis de quibus non est spes fiat unus Rotulus, & intituletur Comitatus, & legatur singulis annis super Competum Vicecomitum.* *Clauſ. 12 Ed. 1. M. 7.* *Dorſo. Comitatus in Magna Charta, cap. 35.* is used for the County Court.

**Comitatu Commissio.** Is a Writ or Commission, whereby the Sheriff is authorised to take upon him the charge of the County. *Reg. of Writs*, fol. 295. *Cokes Rep.* lib. 3. fol. 72. a.

**Comitatu & Castro Commissio.** Is a Writ whereby the charge of a County, with the keeping of a Castle is committed to the Sheriff. *Reg. of Writs*, fol. 295.

**Commandry.** (*Præceptoría*.) Was a Mannor or chief Messuage, with Lands and Tenements appertaining thereto, belonging to the Priory of *St. Johns of Jerusalem* in England; and he, who had the Government of any such Mannor or House, was called the *Commander*; who could not dispose of it, but to the use of the Priory, only taking thence his own sustenance,

according to his degree, who was usually a Brother of the same Priory. *New Eagle* in the County of *Lincoln*, was, and still is, called the *Commandry of Eagle*, and did anciently belong to the said Priory; so were *Slebach* in *Pembrokeshire*, and *Shengay* in *Cambridgeshire*, *Commandries*, in time of the *Knights-Templers*, says *Camd.* — These in many places of England, are termed *Temples*, as *Temple Bruere* in *Lincolnshire*, *Temple Newsum* in *Yorkshire*, &c. because they formerly belonged to the said *Templers*. Of these read *Anno 26 Hen. 8. cap. 2.* and 32 *Ejusdem*, cap. 24. See *Præceptories*.

**Commandment.** (*Præceptum*.) Hath a divers use; as the *Commandment* of the King; when, upon his mere motion and from his own mouth, he casts any Man into Prison. *Stamf. Pl. Cor.* fol. 72. *Commandment* of the Justices is either *absolute* or *ordinary*. *Absolute*, as when, upon their own Authority, in their Wisdom and Discretion, they commit a Man to prison for a punishment. *Ordinary* is, when they commit one rather for safe-custody, than punishment. A Man committed upon an *Ordinary Commandment* is repleviable. *Pl. Cor.* fol. 73. *Commandment* is again used for the offence of him, that willet another Man to transgress the Law, or to do any thing contrary to the Law; as *Murder*, *Theft*, or such like. *Bracton*, lib. 3. tract. 2. cap. 19. which the *Civilians* call *Mandatum*.

**Commendam.** (*Ecclesia Commendata vel custodia Ecclesie alicui commissa*.) Is a *Benefice* or Church-Living, which being void, is commended to the charge and care of some sufficient Clerk, to be supplied, until it may be conveniently provided of a Pastor. And, that this was the true original of this practise, you may read at large in *Durandus*, *De sacris Ecclesie Ministeriis & Beneficiis*, lib. 5. cap. 7. He to whom the Church is commended, hath the Fruits and Profits thereof, only for a certain time; and the Nature of the Church is not changed thereby, but is as a thing deposited in his hands in trust, who hath nothing but the custody of it, which may be revoked. When a Parson is made Bishop, there is a *Cession* of his *Benefice* by the Promotion; but if the King gives him power to retain his *Benefice*, he shall continue Parson, and is said to hold it in *Commendam*. *Hob. Rep.* fol. 144. *Latches Rep.* fol. 236, 237. See *Ecclesia commendata*, in *Gloss. x. Scriptor*.

**Commendatary.** (*Commendatarius*.) Is he that hath a Church-Living in *Commendam*, which see.

**Commendatus.** *In eadem Villa tenet Ailvi Commendatus Antecessori* (*Mallet*) 60 *Acras pro Manerio*. *Domesday*, *Suffolk*. One that lives under the Protection of a great Man. *Differre videntur Vassallus, Affidatus & Commendatus*; *Hic nempe Patrono teneri fide & obsequio, sine juramento aut aliqua tenura*; *Ille fide & juramento, sed itemque sine tenura*; *Vassallus autem his omnibus*, says *Spelman*.

**Communitaty.** (Fr. *Communauté*.) Includes all the Kings Subjects. So in *Art. super Chartas* 28 *Edw. 1.*

28 Edw. 1. cap. 1. *Tout le Commune d'Engleterre*, signifies all the People of England. 2 *Inst.* fol. 539.

**Commisary**, (*Commissarius*.) Is a Title of Ecclesiastical Jurisdiction, appertaining to such a one, as exerciseth Spiritual Jurisdiction in places of the Diocess so far distant from the chief City, as the *Chancellor* cannot call the Subjects to the Bishops Principal Consistory, without their too great molestation. This *Commisary* is by the Canonists called *Commissarius*, or *Officialis foraneus*. *Lyndwoods Provin.* cap. 1. And is ordained to this special end, that he supply the Bishops Jurisdiction and Office in the out places of the Diocess, or else in such Parishes as are peculiar to the Bishop, and exempted from the Jurisdiction of the Archdeacon. For where either by Prescription or Composition, Archdeacons have Jurisdiction within their Archdeaconries, as in most places they have, this *Commisary* is but superfluous, and oft-times vexatious to the people. Therefore the Bishop, taking Prestation Money of his Arch-Deacons yearly, *Pro exteriori Jurisdictione*, as it is ordinarily called, does by super-operating their circuit with a *Commisary*, not only wrong Archdeacons, but the poorer sort of Subjects much more. *Cowel.* and see 4 *Inst.* fol. 338.

**Commission**, (*Commissio*.) Is with us, as much as *delegatio* with the *Civilians*, and is taken for the Warrant or Letters Patent, which all Men (exercising Jurisdiction, either ordinary or extraordinary,) have to authorise them to hear or determine any cause or action. Of these see divers in the Table of the *Reg. of Writs*, and see *Broke, tit. Commission*; yet this word is sometimes extended farther than to Matters of Judgment, as the *Commission* of Purveyors or Takers, *Anno 11 Hen. 4. cap. 28.* which seems to be null by the Statute, for taking away Purveyance. *Anno 12 Car. 2. cap. 24.* The High Commission Court, which was founded upon the Statute 1 *Eliz. cap. 1.* is also abolished by Act of Parliament, 17 *Car. 1. cap. 11.* and that again explained by another Act, 13 *Car. 2. cap. 12.*

**Commission of Association**, (mentioned 18 *Eliz. cap. 9.*) Is a Commission under the Great Seal, to associate two or more learned persons, with the several Justices in the several Circuits and Counties in *Wales*.

**Commission of Anticipation**, Was a Commission under the Great Seal, to collect a Subsidy before the day. *Anno 15 Hen. 8. Cokes 12 Rep.* fol. 120.

**Commission of Rebellion**, (*Commissio Rebellionis*.) Is otherwise called a *Writ of Rebellion*, and *Issues*, when a Man (after Proclamation issued out of the *Chancery* or *Exchequer*, and made by the Sheriff, to present himself, under pain of his Allegiance to the Court, by a certain day,) appears not. And this *Commission* is directed by way of command to certain persons, three, two or one of them, to apprehend, or cause to be apprehended, the party, as a *Rebel*, or Con-

temner of the Kings Laws; wheresoever they find him within the Kingdom, and bring, or cause him to be brought, to the Court upon a day therein assigned: The Form of it you have in *West. Tract. Touching Proceedings in Chancery*, Sect. 24.

**Commissioner**, (*Commissionarius*.) Is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any Publick Office; as Commissioners of the Office of Licences of Alienation. *West. Par. 2. Symb. Tit. Fines*, Sect. 106. *Commissioners in Eyr.* *Anno 3. Edw. 7. cap. 26.* With many such like.

**Committee**. Is he, or they, to whom the consideration or ordering of any matter is referred, either by some Court or Consent of Parties to whom it belongs. As in Parliament, a Bill being read, is either consented to and passed, or denied, or neither, but referred to the consideration of some certain Persons, appointed by the House farther to examine it, who thereupon are called a *Committee*. *Committee of the King.* *West. pa. 2. Symb. tit. Chancery*, Sect. 144. This word seems to be strangely used in *Kitchin.* fol. 160. where the Widow of the Kings Tenant being dead, is called the *Committee of the King*, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

**Commoigne**, (*Fr.*) A Fellow-Monk, that lives in the same Convent. 3 *Part. Instit.* fol. 15.

**Common**, (*Commune, i. quod ad omnes pertinet.*) Signifies that Soil or Water, whereof the use is common to this or that Town or Lordship; as *Common of Pasture*, (*Commune Pasturae.*) *Bracton, lib. 4. cap. 19. § 40.* *Common of Fishing*, (*Commune Piscariae.*) *Idem, lib. 2. cap. 34.* *Common of Turbary*, (*Commune Turbaria, i. Of digging Turves.*) *Idem, lib. 4. cap. 41.* *Common of Estovers*, (*Commune Estoveriorum.*) *Kitchin, fol. 94. &c.* *Common* is divided into *Common in Gross*, *Common Appendant*, *Common Appurtenant*, and *Common per cause de Vicinage*.

*Common in Gross*, Is a liberty to have *Common* alone, (that is,) without any Land or Tenement, in another Mans Land, to himself for life, or to him, and his heirs; and it is commonly passed by Deed of Grant or Speciality. *Old Nat. Br. fol. 31. § 37.*

*Common Appendant*, and *Common Appurtenant*, are in a manner confounded, as appears by *Fitz. Nat. Br. fol. 180.* And are defined to be a Liberty of *Common Appurtenant* to, or *Depending on*, such, or such a Freehold; which *Common* must be taken with Beasts Commonable; as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Plough-man; and not of Goats, Geese, and Hogs: But some make this difference, That *Common Appurtenant* may be severed from the Land whereto it pertains, but not *Common Appendant*; which (according to Sir Edw. Coke, *lib. 4. fol. 37.*) had this beginning: — When a Lord enfeoffed another in

Arable



Arable Lands, to hold of him in *Soccage*; the Feoffee, to maintain the service of his Plough, had at first, by the Courtesie or Permission of his Lord, *Common* in his Wastes for necessary Beasts, to ear and compost his Land, and that for two Causes; one, for that, as then it was taken, it was tacitly implied in the Feoffment, by reason the Feoffee could not Till, nor Compost his Land without Cattle, and Cattle could not be sustained without Pasture, and so by consequence the Feoffee had, as a thing necessary and incident, *Common* in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed. 1. tit. Common 24.* and *17 Edw. 2. tit. Common 23.* and *20 Edw. 3. tit. Admeasurement 8.* and by the rehearsal of the Statute of Merton, *cap. 4.* The second reason was, for maintenance and advancement of Tillage, which is much regarded and favoured by the Law.

*Common per cause de Vicinage* (i. *Common* by reason of Neighborhood.) Is a Liberty that the Tenants of one Lord in one Town, have to *Common* with the Tenants of another Lord in another Town: Those that challenge this kind of *Common*, (which is usually called *Intercommoning*.) may not put their Cattel into the *Common* of the other Town; for then they are distrainable, but, turning them into their own Fields, if they stray into the Neighbor-*Common*, they must be suffered. *Common of Pasture*, the *Civilians* call *Fus compascendi*.

*Common Bench*, (*Bancus Communis*, from the Sax. *banc*, i. A Bank, or Hillock, and metaphorically a Bench, High Seat or Tribunal.) The Court of *Common Pleas* was anciently so called. *Anno 2 Edw. 3. cap. 11.* because (saith *Camden* in his *Britan.* pag. 113.) *Communia Placita inter subditos ex jure nostro, quod Commune vocant, in hoc disceptantur*, that is, the Pleas or Controversies between common persons are there tryed. And the Justices of that Court in Legal Records, are termed *Justiciarii de Banco*. *Coke on Littl. fol. 71. b.* See *Common Pleas*.

*Common Fine*, (*Finis Communis*.) Is a certain Sum of Money, which the Resiants within the view of some Leets, pay to the Lord thereof, called in divers places *Head-Silver*, in others *Cert-Money*, or *Certum Leta*, and *Head-Pence*; and was first granted to the Lord towards the charge of his purchase of the Court-Leet, whereby the Resiants had now the ease, to do their Suit-Royal nearer home, and not be compelled to go to the Sheriff's Turn. As in the Mannor of *Sheepshead* in *Com. Leic.* every Resiant pays 1 *d.* per Poll to the Lord, at the Court held after *Michaelmas*, which is there called *Common Fine*. There is also *Common Fine* of the County, for which see *Fleta, lib. 7. cap. 48.* and the Statute of 3 *Edw. 1. cap. 18.* But the Clerk of the Market shall take no *Common Fine*, *Anno 13 Rich. 2. cap. 4.* For *Common Fine*, the Lord cannot distrain without a prescription. *Godfrey's Case, Cokes 11 Report.*

*Common Pleas*, (*Communia Placita*, or *Bancus Communis*.) Is one of the Kings Courts, now constantly held in *Westminster-Hall*, but in ancient time moveable; as appears by *Magna Charta, cap. 11.* 2 *Edw. 3. cap. 11.* and *Pupilla oculi, Parte 5. cap. 22.* *Gwin*, in the Preface to his *Readings*, saith, That until *Henry the Third* granted the Great Charter, there were but two Courts in all, called the *Kings Court*, viz. The *Exchequer* and the *Kings Bench*, which was then called *Curia Domini Regis*, and *Aula Regis*; because it followed the Court or King, and that upon the Grant of that Charter, the Court of *Common Pleas* was erected and settled in one place certain, viz. *Westminster-Hall*; and therefore after that, all the Writs ran, *Quod sit coram Justiciariis meis apud Westm.* whereas before the party was commanded by them to appear, *Coram me vel Justiciariis meis*, simply without addition of place, as he well observes out of *Glanville* and *Bracton*, the one writing in *Henry the Second's* time, before this Court was erected; the other in the later end of *Henry the Third's* time, who erected it. All Civil Causes, both Real and Personal, are, or were in former times, tryed in this Court, according to the strict Law of the Realm; and by *Fortescu, cap. 50.* it seems to have been the only Court for Real Causes. The Chief Justice thereof, is called the *Lord Chief Justice of the Common Pleas*, accompanied with three or four Judges, Assistants, or Associates, who are created by Letters Patents, and, as it were, enstalled or placed on the *Common Bench*, by the Lord Chancellor, and Lord Chief Justice of the Court, as appears by *Fortescu, cap. 51.* who expresseth the circumstances thereof. The rest of the Officers belonging to this Court, are, The *Custos Brevium*, three *Prothonotaries*, otherwise called *Prenotaries*; *Chirograph*; 14 *Filazers*; 4 *Exigencers*; Clerk of the Warrants; Clerk of the *Furries*, or *Furata Writs*; Clerk of the Treasury; Clerk of the Kings Silver; Clerk of the *Essoins*; Clerk of the *Oularies*; Clerk of the Errors. Whose distinct Functions read in their places. See *Common Bench*, and 4 *Inst. fol. 99.*

*Common Day in Plea of Land*, (*Anno 13 Rich. 2. Stat. 1. cap. 17.*) Signifies an Ordinary day in Court, as *Ostavis Hillaris*, *Quindena Pasche*, &c. Which you may see in the Statute of 51 *Hen. 3.* concerning general days in the Bench.

*Common Intendment*, Is *Common Understanding* or *Meaning*, according to the Subject Matter, not straitned to an exoticick sense. *Bar to Common Intendment*, is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of *Common Intendment*, a Will shall not be supposed to be made by Collusion. *Coke on Littl. fol. 78. b.* See *Intendment*.

*Commons House of Parliament*, Is so called, because the *Commons* of the Realm, that is, the Knights, Citizens, and Burgeses representing them, do sit there. *Crompt. Jurisd. 9.*

**Common Law**, (*Communis Lex*,) Hath three significations: First, it is taken for the Laws of this Realm simply, without any other Law joyned to it; As, when it is disputed, what ought of right to be determined by the *Common Law*, and what by the Spiritual Law, or Admirals Court, or the like. Secondly, For the *Kings Court*, as the *Kings Bench* or *Common Pleas*, only to shew a difference between them and the *Bafe Courts*, as Customary Courts, Court Barons, County Courts, Pipowders, and such like: As when a Plea of Land is removed out of Ancient Demefn, because the Land is Frank-fee, and pleadable at the *Common Law*, that is, in the *Kings Court*, and not in Ancient Demefn, or any other *Bafe Court*. Thirdly, and most usually, by the *Common Law*, is understood such Laws as were generally taken and holden for Law, before any Statute was made to alter the same. As, neither Tenant for Life, nor for Years, were punishable by the *Common Law* for doing *Waste*, till the Statute of *Glouc. cap. 5.* was made, which gives an Action of *Waste* against them. But Tenant by the *Courtesie*, and Tenant in *Dower*, were punishable for it before the said Statute. See *Law*.

**Commonzth.** See *Comorth*.

**Commote**, (*Br. Commwd*, i. *Provincia*,) In *Wales* is half a *Centred* or Hundred, containing Fifty Villages. *Stat. Wallie*, 12 E.1. and 21 H.8. cap.26. *Wales* was anciently divided into three Provinces, *North-Wales*, *South-Wales*, and *West-Wales*, otherwise called *Powysland*, and each of these were again sub-divided into *Centreds*, and every *Centred* into *Commotes*. Sir *Jo. Dodridge's Hist. of Wales*, fol. 2. So *Brecknock-shire* is found to have three *Centreds* and eight *Commotes*, *Hist. of Wales*. It signifies also a great Seignory, and may include one or divers Mannors. *Coke on Littl.* fol. 5.

**Commune.** See *Comminality*.

**Commune Concilium Regni Angliz.** See *Parliament*.

**Communi Custodia**, Is a Writ that did lie for that Lord, whose Tenant, holding by Knights-service, died and left his eldest Son under age, against a Stranger that entred the Land, and obtained the Ward of the Body. *Old Nat. Br. fol. 89.* But this Writ is become obsolete since Wardships were taken away by the *Stat. 12 Car. 2. cap. 24.*

**Communication**, (*Communicatio*,) A talking, consultation, or conferring with. Where there is only a *Parley* betwixt two, and no perfect Agreement, that is, no such Contract between them, as on which to ground an Action, it is called a *Communication*.

**Communia placita non tenenda in Scaccario**, Is a Writ directed to the Treasurer and Barons of the *Exchequer*, forbidding them to hold Plea, between common persons in that Court, where neither of them belong thereto. *Reg. of Writs*, fol. 187. b.

**Comorth**, (*Comortha*,) From the British **Cymmorth**, (*Subsidium*,) A Contribution; Sub-

*sidium à pluribus collatum. Anno 4 Hen. 4. cap. 27. And 26 Hen. 8. cap. 6.* Prohibits the Levying any such in *Wales*, or the *Marches*, &c. It seems this *Comorth* was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for redemption of Murders or Felonies.

**Companage**, (*Fr.*) all kind of Food, except Bread and Drink. Some Tenants of the Manor of *Feskerton* in *Com. Nott.* when they performed their Boons or Work-days to their Lord, had three boon Loaves with *Companage* allowed them. *Reg. de Thurgarton*, cited in the *Antiq. of Nott. shire*. Yet the learned *Spelman* interprets it to be *quicquid cibi cum pane sumitur*.

**Companion of the Garter**, Is one of the Knights of that most Noble Order. *Anno 24 Hen. 8. cap. 13.* See *Garter*.

**Compositio Mensurarum**, Is the Title of an ancient Ordinance for Measures, not Printed, and is mentioned in the Statute of 23 H. 8. cap. 4.

**Compromise**, (*Compromissum*,) Is a mutual promise of two or more parties at difference, to refer the ending of their Controversies to the Arbitrement, and Equity of one or more Arbitrators. *West* defines a *Compromise* or *Submissio* to be the faculty or power of pronouncing Sentence, between Persons at Controversie, given to Arbitrators by the Parties mutual private consent, without publick Authority. *Par. 2. Symbol. Tir. Compromis, Sect. 1.*

**Comptroller.** See *Controller*.

**Computation**, (*Computatio*,) Is the true account and construction of time; to the end, neither party do wrong to the other, nor that the determination of time be so left at large, as to be taken otherways than according to the just Judgment of the Law. As, if Indentures of Demise are engrossed, bearing date 11 May, 1679. To have and to hold the Land in S. for three years from henceforth, and the Indentures are delivered the Fourth day of June following: In this Case, from henceforth shall be accounted from the day of the Delivery, and not from the date; and if the Indenture be delivered at four of the Clock in the Afternoon of the said Fourth day of June, the Lease shall end the Third day of June, in the Third year. For the Law, in this *Computation*, rejects all fractions or divisions of the day, for the uncertainty, which always is the Mother of Contention. So where the Statute of Inrolments, made 27 Hen. 8. cap. 16. is, That Writings shall be inrolled within six Months after the date thereof, if such Writings have date, the six Months shall be accounted from the date, and not from the Delivery; but if they want date, then it shall be accounted from the Delivery. *Coke, lib. 5. fol. 1.*

If any Deed be shewed to a Court at *Westminster*, it shall remain in Court (by Judgment of the Law,) all the Term, in which it is shewed, for all the Term is but as one day in Law. *Coke, lib. 5. fol. 74.* If a Church be void, and the Patron does not present within Six Months, then the Bishop of the Diocess may collate his



Chaplain, but these *Six Months* shall not be *Computed* according to Twenty eight days in the Month, but according to the Kalendar. See *Kalendar-month*.

**Computo**, (Lat.) Is a Writ so called of the Effect, which compels a Bailiff, Chamberlain, or Receiver, to yield his *account*. *Old Nat. Br. fol. 58.* It is founded on the Statute of *Westm. 2. cap. 2.* And it lies also for Executors of Executors, *15 Edw. 3. Stat. de provif. victual. cap. 5.* Thirdly, Against the Guardian in Socage for Waste made in the Minority of the Heir. *Marlbr. cap. 17.* And see further in what other Cases it lies, *Reg. of Writs, fol. 135. Fitz. Br. fol. 116.*

**Conabel**, (Fr. *Convenable, i. Convenient* or fitting.) — *He ordain, that there be made a Bache of Conabyl heythe, crestyd with Bikes of Herne, to fore the entry of your hechpne, that no strange peopille may enter with certain Cleketers, advised be you, and be your Steward to such persons, as you and them think honest and Conabel.* *Artic. Decani & Capit. S. Pauli Priorat. S. Helenæ. Dat. 21 Junii, 1439.*

**Concealers**, (*Concelatores*.) Are such as find out concealed Lands, that is, such Lands as are privily kept from the King by common persons, having nothing to shew for their Title or Estate therein. *Anno 39 Eliz. cap. 22. and 21 Jac. cap. 2.* They are so called a *Concelando*, as *Mons à Morvendo, per Antiphrasin.* See *3 Part. Inst. fol. 188.* Where the Author calls them *Turbidum hominum genus*.

**Concessi**, (a word much used in Conveyances.) In Law it creates a Covenant, as *Dedi* does a Warranty. *Coke on Littl. fol. 384.*

**Concord**, (*Concordia, Agreement*.) Is, by a peculiar signification, defined to be the very Agreement between Parties, who intend the levying a Fine of Lands one to the other, how, and in what manner the Land shall pass. But in the form of it, many things are to be considered. *West, p. 2. Symb. tit. Fines and Concords, Sect. 30.* whom read at large.

*Concord* is also an Agreement made (upon any Trespas committed) betwixt two or more; and is divided into *Concord Executory*, and *Concord Executed*. See *Plowden*, in *Reniger and Fogass's Case, fol. 5, 6, & 8.* where it appears by some opinion, That the one binds not, as being imperfect; the other absolute, and ties the party: Yet by some other opinion in the same Case, it is affirmed, That *Agreements Executory* are perfect, and bind no less than *Agreements Executed*.

**Concubinage**, (Fr.) Signifies properly the keeping a Whore for ones own filthy use; but it is used as an exception against her, who sues for Dower, alledging thereby that she was not Wife lawfully married to the party, in whose Lands she seeks to be endowed, but his *Concubine*. *Britton, cap. 107. Bracton, lib. 4. tract. 6. cap. 8.*

**Conders**, (from the Fr. *Conduire, i. to con-*

duct.) Are such as stand upon high places, near the Sea-coast, at the time of Herring-Fishing, to make signs with Boughs, &c. to the Fishers, which way the shoale of Herrings passeth, which may better appear to such as stand upon some high Cliff on the shore, by a kind of blew colour they cause in the Water, than to those that are in the Ships. These are otherwise called *Huers*, (of the Fr. *Huyer, i. Exclamare*.) and *Balkers, Directors*, and *Guiders*, as appears by the Statute *1 Jac. cap. 23.*

**Condition**, (*Conditio*.) Is a Manner, Law, Quality, or Restriction annexed to Mens Acts, qualifying or suspending the same, and making them uncertain, whether they shall take effect, or no. *West, par. 1. Symb. lib. 2. sect. 156.* In a Lease there may be two sorts of *Conditions*; *Condition collateral*, or *Condition annexed to the Rent*. *Coke, lib. 3. Penants Case, f. l. 64.* *Collateral Condition*, is that which is annexed to any Collateral Act, as, that the Lessee shall not go to Paris. *Ibidem, fol. 65.* *Condition* is also divided into *Condition in Deed or Fact*, and *Condition in Law*; which otherwise may be termed *Condition expressed*, and *Condition implied*. *Perkins, tit. Conditions.*

**Condition in Deed**, Is that which is knit and annexed by expresse words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I enfeoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

**Condition Implied**, which is called a *Condition in Law*, Is when a Man Grants to another the Office of Keeper of a Park, Steward, Bailiff, or the like, for Life, though there be no *Condition* at all expressed in the Grant; yet the Law makes one covertly, which is, if the Grantee does not justly execute all things pertaining to his Office by himself, or his sufficient Deputy, it shall be lawful for the Grantor, to enter and discharge him of his Office. See *Littleton, lib. 3. cap. 5.*

**Cone and Key**. *Bracton, lib. 2. cap. 37. num. 3.* *Famina in tali atate, (i. 14 & 15 Annorum) potest disporre Domui sue & habere Cone & Key.* *Cone* in the Saxon, signifies *Calculus, computus*; and *Key*, *clavis*. So that a Woman was then held to be of competent years, when she was able to keep the *Accounts* and *Keys* of the House; and *Glamv. lib. 7. cap. 9.* hath somewhat to the same purpose.

**Confederacy**, (*Confederatio*.) Is when two or more confederate or combine themselves to do any damage to another, or to commit any unlawful act. And though a Writ of Conspiracy does not lie, if the party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers persons shall be punished, though nothing be put in execution, which appears by the Book of *27 Assis. Placit. 44.* where two were indicted of *Confederacy*, each to maintain other, whether their matter were true or false, and

and though nothing were supposed to be put in practise, the Parties were enjoy'd to answer, since the thing is forbidden by Law. So in the next *Article*, in the same Book, enquiry shall be made of *Conspirators* and *Confederators*, which bind themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four incidents. First, It must be declared by some matter of prosecution, as by making of Bonds or Promises the one to the other. 2. *Malicious*, as for unjust revenge. 3. It ought to be *false*, against an innocent. Lastly, to be out of Court, voluntary. *Terms de la Ley*.

**Confirmation**, (*Confirmatio*.) Is a strengthening or confirming an estate to one, who hath the possession, by a voidable Title, though not at present void. As, a Bishop grants his Chancellorship by Patent for term of the Patentees life: This is no void Grant, but voidable by the Bishops death, except it be strengthened by the Dean and Chapters *Confirmation*. See more of this in *West*, pag. 1. *Symb. lib. 2. sect. 500*. *Fitz. Nat. Br. fol. 169. b.* and *Littleton, lib. 3. cap. 9*.

**Confiscate**, From the Lat. *Confiscare*, and that from *Fiscus*, which originally signifies a Hamper, Pannier or Basket; but Metonymically the Emperors Treasury, which was anciently kept in such Hampers; and though our King keeps not his Treasury in such things, yet (as the Romans said) such Goods as were forfeited to the Emperors Treasury for any offence, were *Bona confiscata*, so say we of those that are forfeited to our Kings *Exchequer*. And the title to have these Goods, is given the King by the Law, when they are not claimed by some other. As, if a Man be indicted for feloniously stealing the Goods of another, where in truth they are the proper Goods of him indicted, and they are brought in Court against him; who, being asked what he saith to the said Goods, disclaims them; By this Disclaimer he shall lose the Goods, though he be afterwards acquit of the Felony, and the King shall have them as *Confiscate*; but otherwise, if he had not disclaimed them. See more in *Stamf. Pl. Cor. lib. 3. cap. 24*. Note, *Confiscare* & *Forisfacere*, are Synonyma; and *Bona confiscata*, are *Bona forisfacta*. 3 *Inst. fol. 227*.

**Confrairie**, (Fr.) A Fraternity, Fellowship, or Society; as the *Confrairie de Seint George*, or *de les Chivaliers de la bleu Fartier*. Selden.

**Confreeres**, (Fr. *Confreres*.) Brethren in a Religious House; Fellows of one and the same House or Society. *Anno 32 Hen. 8. cap. 24*.

**Congeable**, (from the Fr. *Conge*, i. Leave, Licence, or Permission.) Signifies as much as lawful or lawfully done, or done with leave or permission, as, *The entry of the Disseisee is congeable*. *Littl. sect. 420.* and 2 *par. Croke, fol. 31*.

**Conge d'Accorder**, (Fr. i. Leave to accord or agree.) I find it in the Statute of *Fines*, *Anno 18 Edw. 1.* in these words: — *When the*

*Writ Original* is delibered in presence of the Parties before Justice, a Pleader shall say this, *Sir Justice Conge d'Accorder*, and the Justice shall say to him, *What saith Sir R.* and shall name one of the Parties, &c.

**Conge d'Esire**, (Fr. i. Leave to chuse.) Signifies the Kings Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop; or to an Abbey or Priory of his own Foundation, to chuse their Abbat or Prior. *Fitz. Nat. Br. fol. 169, 170*. — *Gwin*, in the Preface to his *Readings*, says, The King of England, as Sovereign Patron of all Archbishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient time free appointment of all Ecclesiastical Dignities, whensoever they became void, investing them first *per baculum* & *annulum*; and afterwards by his Letters Patent, and that in process of time he made the Election over to others, under certain Forms and Conditions; as that they should, at every vacation, before they chuse, demand of the King *Conge d'Esire*, that is, Leave to proceed to Election, and then, after the Election, to crave His Royal assent, &c. And he affirms, King *John* was the first that granted this, which was afterward confirmed by *Westm. 1. cap. 1.* and again, by *Articuli Cleri, cap. 2*.

**Congius**, An ancient Measure of Six *Sextaries*; which is about a Gallon, and a Pint. — *Et reddat quinque Congios celie* & *unum Idromelli*, & *triginta panes cum pertinentibus pulmentariis*. *Carta Edmundi Regis de Anno 946*. See *Sextary*.

**Coningeria**, A Conyborow or Warren of Conies. *Item dicunt, quod idem Dominus potest capere in duabus Coningeriis, quas habet infra Insulam de Vecta, 100 Cuniculos per annum, & valet quilibet Cuniculus 2 d.* *Inq. de Anno 47 H. 3. n. 32*.

**Conisance**. See *Cognizance*.

**Coniso**, alias **Cognizo**, (*Recognitor*.) Is used in the passing of Fines for him that acknowledges the Fine; and the *Conizee* is he to whom the Fine is acknowledged. *Anno 32 H. 8. cap. 5*. *West*, pa. 1. *Symb. lib. 2. sect. 49.* and *Parte 2. tit. Fines, sect. 114*.

**Conjuration**, (*Conjuratio*.) Signifies a Plot or Confederacy, made by some persons combining themselves together, by Oath or Promise, to do some publick harm. But it is more especially used for the having personal conference with the Devil, or some evil Spirit, to know any secret, or to effect any purpose. *Anno 5 Eliz. cap. 16*. The difference between *Conjuration* and *Witchcraft* seems to be, because the one endeavours by Prayers and Invocation of Gods powerful Name, to compel the Devil to say, or do, what he commands him; the other deals rather by friendly and voluntary conference or agreement with the Devil or Familiar, to have her, or his, desires served, in lieu of blood, or other gift offered him, especially of his, or her, Soul. And both these differ from

Enchant-



*Enchantments* or *Sorceries*; because those are personal conferences with the Devil, as is said; and these are but Medicines and Ceremonial Forms of words, (called commonly *Charms*;) without Apparition. *Cowel.*

**Coreedium**, The same with *Coreedium*, which see.

**Consanguineo**, Is a Writ, which see in the *Reg. of Writs, de Avo. Pro avo, & Consanguineo, fol. 226.*

**Conseruator of the Truce, and safe Conduits**, (*Conseruator induciarum & saluorum Regis Conductuum*;) Was an Officer appointed in every Sea-Port, under the Kings Letters Patent, and had 40 *l.* for his yearly Stipend at the least. His charge was to enquire of all Offences done against the Kings *Truce* and *safe Conduits* upon the main Sea, out of the Franchises of the Cinque-Ports, as the Admirals of Custom were wont, and such other things as are declared *Anno 2 Hen. 5. cap. 6.* Touching this matter also, see Statute of 4 *Hen. 5. cap. 7.*

**Conseruator of the Peace**, (*Conseruator vel Custos Pacis*;) Is he that hath an especial charge, by virtue of his Office, to see the Kings Peace kept. Before the time of King Edward the Third, who first erected Justices of Peace, there were sundry persons, who, by the Common Law, had interest in keeping the Peace. Of those, some had that charge, as incident to the Offices they bore, and so included in the same, that they were called by the name of their Office only; others had it simply as of it self, and were thereof named *Custodes Pacis*, Wardens, or Conseruators of the Peace. See *Lamb. Eyren. lib. 1. cap. 3.* The Corporation of the great Level of the Fens, does consist of one Governor, six Bailiffs, Twenty Conseruators and Commonalty; as by the Act 15 *Car. 2. cap. 17.* appears. The Chamberlain of Chester is a Conseruator of the Peace in that County, by virtue of his Office. 4 *Inst. fol. 212.* And Petty Conseruables are by the Common Law, Conseruators of the Peace, &c. Conseruators of the Priviledges of the Hospitalers, and Templers, &c. *Westm. 2. cap. 43.* See 4 *Inst. fol. 341.*

**Consideration**, (*Consideratio*;) Is the material cause, the *Quid pro quo* of any Contract, without which no Contract binds. This *Consideration* is either expressed, as if a Man bargain to give Five Pounds for a Horse; or implied, when the Law it self inforces a *Consideration*; as if a Man come into a Common Inn, and there stay some time, taking Meat and Lodging, or either, for himself and his Horse, the Law presumes he intends to pay for both, though there be no expresse Contract betwixt him and his Host; and therefore, if he discharge not the House, the Host may stay his Horse. *Fulb. Paral. tract. Contracts, fol. 6.*

**Consistory**, (*Consistorium*;) Signifies as much as *Prætorium* or *Tribunal*. It is commonly used for a Council-House of Ecclesiastical Persons, or the place of Justice in the Court Christian; a Session or Assembly of Prelates. Every Arch-

bishop and Bishop of every Diocese, hath a *Consistory Court* held before his Chancellor or Commissary in his Cathedral Church, or other convenient place of his Diocese, for Ecclesiastical Causes. See 4 *Inst. fol. 338.* — *Sciatis vos omnes & ceteri mei fideles, qui in Anglia manent, quod Episcopales Leges, que non bene secundum Sanctorum Canonum præcepta, usque ad mea tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & ceterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas iudicavi. Propterea mando & Regia Auctoritate præcipio, ut nullus Episcopus vel Archi-Deaconus de Legibus Episcopalibus amplius in Hundret placita teneant, nec causam, que ad regimen animarum pertinet, ad iudicium secularium hominum adducant, &c.* This Law, made by the Conqueror, seems to give the Original of the *Bishops Consistory*, as it fits with us divided from the Hundred or County-Court, wherewith in the Saxon time it was joyned. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus que ad Episcopum pertinent, se intromittat, &c.* *Seldens Hist. of Tythes, pag. 413, 414.*

**Consolidation**, (*Consolidatio*;) Is used for the combining and uniting two Benefices in one. *Broke, tit. Union, and Anno 37 Hen. 8. cap. 21.* This word is taken from the Civil Law, where it signifies properly an uniting of the possession, occupation, or profit, with the property. As, if a Man have by Legacy *Usus-fructus fundi*, and afterwards buy the Property or Fee-simple (as we call it) of the Heir; this is called a *Consolidation*. See *Union*, and *Unity of Possession*, and the Stat. 22 *Car. 2. cap. 11.*

**Conspirators**, *Are* (according to the Statute) those that do confeder, or bind themselves by Oath, Covenant, or other Alliance, that every of them shall aid, and bear the other, falsely and maliciously to indite, or cause to indite, or falsely to move or maintain Pleas: And also such as cause Children within age, to Appeal Men of Felony, whereby they are imprisoned and sore grieved; and such as retain Men in the Country, with Liberties or Fres to maintain their malicious enterprises: And this extendeth as well to the takers, as to the givers. And Stewards and Bayliffs of great Lords, which by their Seigniorie, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates that concern other Parties, then such as touch the Estate of their Lords, or themselves. *Anno 33 Edw. 1. Stat. 2. — 2 Part. Inst. fol. 384. and 362.*

**Conspiracy**, (*Conspiratio*;) Though both in Latin and French, it be used for an Agreement of Men to do any thing, either good or bad; yet in our Law-Books, it is always taken in the evil part. *Anno 4 Edw. 3. cap. 11. — 3 Hen. 7. cap. 13. — 1 Hen. 5. cap. 3. and 18 Hen. 6. cap. 12.* As also *New Book of Entries, verbo Conspiracy.* In which places, *Conspiracy* is taken more generally.

generally, and confounded with *Maintenance* and *Champerty*; but, in a more special signification, it is used for a Confederacy of two, at the least, falsely to indict one, or to procure one to be indicted of Felony. And the punishment of it, upon an Indictment of Felony, at the Kings Suit, anciently was, That the party attainted, lose his Frank-Law, to the end, he be not empannel'd upon Juries or Assizes, or such like employments, for testifying the truth; and if he have to do in the Kings Court, that he make his Attorney; and that his Lands, Goods, and Chattels be seized into the Kings Hands, his Lands estreated, (if he find no better favor,) his Trees rased, and his Body committed to prison. 27 *Lib. Assis.* 59. *Cromptons Just. of Peace*, fol. 156. b. This is called *Villanous Judgment* or Punishment. See *Villanous Judgment*. But if the party grieved, sue upon the Writ of *Conspiracy*, then see *Fitz. Nat. Br.* fol. 114. D. 115. I. *Conspiracy* may be also in Cases of less weight; As *Conspiracies* made by Victuallers, touching selling of Victuals, shall be grievously punished. See 37 *Hen.* 8. 23. and 3 *Part. Inst.* fol. 143.

**Conspiracione**, Is a Writ that lies against *Conspirators*. *Fitz. Nat. Br.* fol. 114. d. *Cromptons Jurisd.* fol. 209. See also the Register, fol. 134.

**Constable**, (*Constabularius*.) Is a Saxon word compounded of *Cuning* or *Cyng*, and *Staple*, which signifie the stay and hold of the King. *Lamb. Duty of Constables*, num. 4. But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others, from the *Cæsarean Laws*, and Customs of the Empire, as well as from the Saxons.

This word is diversly used, First, for the *Constable of England*, of whose great Dignity and Authority, we may find many proofs in our Statutes and Chronicles. His Function consists in the care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra*. With whom agrees the Statute of 13 *Rich.* 2. cap. 2. Stat. 1. which says, To the Court of the *Constable* and Marshal, it appertains to have Consuance of Contracts and Deeds of Arms and of War, out of the Realm, and also of things that touch War within; as Combats, Blazonry of Arms, &c. But it may not meddle with *Battel* in Appeals, nor generally with any other thing that may be tried by the Law of the Land. See *Fortescu*, cap. 32. and 4 *Inst.* fol. 123. And especially *Pryn's Animad.* on 4 *Inst.* fol. 71. Anciently he was called *Princeps Militiæ Domus Regis*.

Out of this High Magistracy, of *Constable of England*, (says *Lambert*.) were drawn those Inferior Constables, which we call *Constables of Hundreds* and *Franchises*; and first ordained by the Statute of *Winchester*, Anno 13 *Edw.* 1. which appoints, for conservation of the Peace, and view of Armor, two Constables in every Hundred and Franchise, who in Latin are called *Constabularii Capitales*, High Constables; be-

cause continuance of time and increase, both of People and Offences, hath, under these, made others in every Town called *Petit-Constables*, in Latin *Sub-Constabularii*, which are of like nature, but of Inferior Authority to the other. The making a *Petty Constable* belongs to the Lords of divers Mannors, *Jure Feudi*. Of these, read *Smith de Rep. Angl. lib.* 2. cap. 22. Besides these, there are Officers of particular places, called by this name, as *Constable of the Tower*. *Stamf. Pl. Cor.* fol. 152. Anno 1 *Hen.* 4. cap. 13. *Constable of the Exchequer*, Anno 51 *Hen.* 3. Stat. 5. *Constable of Dover Castle*, *Cam. Britan.* pag. 239. *Constable of the Castle of Windsor*. *Constable of the Castle of Carnarvon*. *Constable of the Castle of Conway*. *Constable of the Castle of Harlaigh* in the County of *Merioneth*. *Constable of the Castle of Bewmaris*. *Constable of the Castle of Carmarthen*. *Constable of the Castle of Cardigan*. *Constable of the Castle of Lancelston*. *Constables of the Castles of Roßlan, Chester and Flint, &c.* *Constable of the Castle of London*, (for so *Baynards Castle* was anciently called,) and *Robert Fitz-Walter* was *Constable* thereof, and Banner-bearer of that City by Inheritance. But these are *Castellani* properly, as *Lambert* notes, though confounded in name with the other. See the Statute Anno 32 *Hen.* 8. cap. 38.

Manwood, par. 1. cap. 13. mentions a *Constable of the Forest*. And *Hen. Lord Beaumont* was *Constable of the Kings Army*, 10 *Edw.* 3. *Baronage of England*, 2 *Part.* fol. 51. b.

**Constat**, (Lat.) Is the name of a kind of Certificate, which the Clerk of the Pipe, and Auditors of the *Exchequer*, make, at the request of any person, who intends to plead or move in that Court, for discharge of any thing. Anno 3 & 4 *Edw.* 6. cap. 4. and 13 *Eliz.* cap. 6. The effect of a *Constat* is the certifying what does *constare* upon Record, touching the matter in question, and the Auditors Fee for it, is 13 s. 4 d.

A *Constat* is held to be Superior to a *Certificate*, because this may err or fail in its Contents, that cannot; as certifying nothing, but what is evident upon Record. Also, the Exemption under the Great Seal of the Inrolment of any Letters Patent is called a *Constat*. *Coke on Littl.* fol. 225. b. The difference between a *Constat*, *Inspeximus*, & *Vidimus*, you may read at large in *Pages Case*, 5 *Report*.

**Consuetudinitus & servitius**, Is a Writ of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br.* fol. 77. *Fitz. Nat. Br.* fol. 151. and *Reg. of Writs*, fol. 159.

**Consultation**, (*Consultatio*.) Is a Writ whereby a Cause, being formerly removed by *Prohibition* from the Ecclesiastical Court, or Court Christian, to the Kings Court, is returned thither again. For, if the Judges of the Kings Court, upon comparing the Libel with the suggestion of the party, find the suggestion false, or not proved; and therefore the Cause to be



wrongfully called from the Court Christian, then upon this *Consultation* or Deliberation, they Decree it to be returned again; whereupon the Writ in this Case obtained, is called a *Consultation*. Of this you may read *Reg. of Writs*, fol. 44, 45. — *Usque* 58. *Old Nat. Br.* fol. 32. *Fitz. Nat. Br.* fol. 50. The Statute of the Writ of *Consultation*, Anno 24 Edw. 1. and 2 Part. *Inst.* fol. 105.

**Contentement**, (*Contentementum*, As — *Salvo contentamento suo*, Mag. Chap. cap. 14.) Signifies his Countenance, Credit, or Reputation, which he hath, together with, and by reason of, his Freehold; and in this sense does the Statute of 1 Edw. 3. and 34 Edw. 3. 7. and *Old Nat. Br.* use it, where *Countenance* is used for *Contentement*: The Armor of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. *Coke*, 2 Part. *Inst.* fol. 28. *Bracton*, lib. 3. *Traet.* 2. cap. 1. num. 3. And Sir Henry Spelman says, *Contentementum est estimatio & conditionis forma, qua quis in Repub. subsistit*.

**Contingent Use**, Is a Use limited in a Conveyance of Land, which may, or may not, happen to Vest; according to the contingency expressed in the Limitation of such Use. See *Chudleighs Case*, in *Cokes 1 Rep.*

**Continuance**, Is as *Prorogatio* in the Civil Law. For example, *Continuance* until the next Assize. *Fitz. Nat. Br.* fol. 154. F. and 244. D. in both which places it is said, if a Record in the Treasury be alledged by the one party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer, who, if they certify not in the Chancery, That such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to *continue* the Assize. In this signification, it is likewise used by *Kirchin*, fol. 202. and 199. And Anno 11 Hen. 6. cap. 4. And *Continuance of a Writ or Action*, is from one Term to another, in case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

**Continual Claim**, Is a Claim made from time to time, within every year and day, to Land, or other thing, which in some respect, we cannot attain without danger. As, if I be disseised of Land, into which, though I have a right, I dare not enter for fear of beating, it behoves me to hold on my right of Entry at my best opportunity, by approaching as near it as I can, once every year, as long as I live, and so I save the right of Entry to my Heir. See more in *Littleton*, verbo, *Continual Claim*. *New Book of Entries*, *ibidem*. And *Fleta*, lib. 6. cap. 53.

**Continuando**, Is a word used in a special Declaration of Trespas, when the Plaintiff would recover damages for several Trespas in the same Action: For, to avoid multiplicity of Sutes, a Man may in one Action of Trespas, recover damages for forty or more Trespas,

laying the first to be done with a *Continuance* to the whole time, in which the rest of the Trespas were done; and is in this Form, *Continuando transgressionem predictam, &c. à predicto die, &c. Usque* such another day, including the last Trespas.

**Contours**. See *Countors*.

**Contrabanded Goods**, (from *contra*, and the Ital. *Bando*, an Edict or Proclamation.) Are those which are prohibited by Act of Parliament, or the Kings Proclamation, to be imported into, or exported out of, this, or other Nations.

**Contract**, (*Contractus*,) Is a Covenant or Agreement between two, with a lawful Consideration or Cause. *West*, pa. 1. *Symb. lib. 1. sect.* 10. As, if I sell my Horse for Money, or Covenant, in consideration of 20 l. to make you a Lease of a Farm; these are good *Contracts*, because there is *Quid pro quo*.

**Usurious Contract**, Is a Contract to pay more Interest for any Money, than the Laws and Statutes of this Realm allow. It is a *Devastavit* in an Executor, to pay a Debt upon an *Usurious Contract*. *Noy's Reports*, fol. 129.

**Contrafaction**, (*Contrafactio*,) A Counterfeiting. As *Contrafactio sigilli Regi*.

**Contra formam Collationis**, Was a Writ that lay against an Abbat, or his Successor, for him or his Heir, who had given Land to an Abbey for certain good uses, and found a Feoffment made thereof by the Abbat, with assent of the Tenants, to the Disinheritance of the House and Church. This was founded on the Statute of *Westm. 2. cap. 41*. See *Reg. of Writs*, fol. 238. and *Fitz. Nat. Br.* fol. 210.

**Contra formam Feoffamenti**, Is a Writ that lies for the Heir of a Tenant, enfeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Sutes to his Court, and is afterward distrained for more than is contained in the said Charter. *Reg. of Writs*, fol. 176. *Old Nat. Br.* fol. 162.

**Contramandatio Placiti**, (*LL. Hen. 1. cap.* 59.) Seems to signify a respiting, or giving the Defendant further time to Answer: An Imparlance, or countermanding what was formerly ordered.

**Contrarients**. *Tho. Earl of Lancaster* taking part with the Barons against King *Edw. 2.* it was not thought fit, in respect of their power, to call them Rebels or Traitors, but *Contrarients*; And accordingly we have a Record of those Times called *Rotulum Contrariensium*.

**Contributio facienda**, Is a Writ that lies where more are bound to one thing, and one is put to the whole burden. *Fitzb. (Nat. Br. fol.* 162.) brings these examples, If Tenants in Common, or Joynt, hold a Mill *Pro indiviso*, and equally take the Profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards its reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land, that owe  
fute

fute to the Lords Court, and the eldest performs the whole, then may she have this Writ to compel the refuser to a *Contribution*. *Old Nat. Br.* (fol. 103.) frames this Writ to a Case, where one only fute is required for Land, and that Land being sold to divers, fute is required of them all, or some of them by Distress, as intirely, as if all were still in one. See *Reg. of Writs*, fol. 176.

**Controller**, (Fr. *Contrerolleur*.) We have divers Officers of this name; as *Controller of the Kings Household*, Anno 6 Hen. 4. cap. 3. *Controller of the Navy*, 35 Eliz. cap. 4. *Controller of the Custom*, *Crompt. Jurisd.* fol. 105. *Controller of Calis*, 21 Rich. 2. cap. 18. *Controller of the Mint*, 2 Hen. 6. cap. 12. *Controller of the Castle of Chester*. *Controller of North-Wales*. *Controller of the Excise*, &c.

**Controller of the Hamper**, Is an Officer in the Chancery attending the Lord Chancellor daily in the Term time, and upon Seal days. His Office is to take all things sealed from the Clerk of the Hamper, inclosed in Bags of Leather, and to note the just number and effect of all things so received, and enter the same in a Book, with all the duties appertaining to His Majesty, and other Officers for the same, and so charges the Clerk of the Hamper with it.

**Controller of the Pipe**, Is an Officer of the Exchequer, who writes out Summons twice every year to the Sheriffs to levy the Farms, and Debts of the Pipe, and keeps a Controlment of the Pipe, and was anciently called *Duplex Ingressator*.

**Controller of the Pell**, Is also an Officer of the Exchequer, of which sort there are two, viz. The two Chamberlains Clerks, that do or should keep a Controlment of the Pell, of receipts and goings out: This Officer was originally one, who took notes of any other Officers accounts or receipts, to the intent to discover him, if he dealt amiss, and was ordained for the Princes better security; for proof whereof, read *Fleta*, lib. 1. cap. 18. And the Stat. 12 Edw. 3. cap. 3.

**Controroy**, (Fr. *Controuleur*.) He that of his own head, devises or invents false bruits, or feigned news, 2 *Inst.* fol. 227.

**Convenable** (Fr.) Agreeable, suitable, convenient or fitting. Anno 27 Edw. 3. Stat. 2. cap. 21. and 2 Hen. 6. cap. 2. See *Covenable*.

**Conventicle**, (*Conventiculum*.) A little private Assembly or Meeting, for exercise of Religion; first, attributed in disgrace to the Schools of *Wickliff* in this Nation, above 200 years since, and now applied to the Illegal Meetings of the Non-conformists, and is mentioned in the Stat. 2 Hen. 4. 15. 1 Hen. 6. 3. 16 Car. 2. cap. 4. & 22 *eiusdem*, cap. 1.

**Conventio**, Is a word much used both in Ancient and Modern Law-pleadings, for an Agreement or Covenant: For example, take this pleasant Record.

*Ex libro Rotulorum Curie Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebor.*

Curia tenta apud Hatfield die Mercurii Prox<sup>o</sup> post Festum---Anno xi<sup>o</sup>. Edw. 3<sup>iii</sup>.

**Robertus de Roderham** qui operuit se versus Johannem de Ithen de eo quod non teneat Conventionem inter eos factam, & unde queritur, quod certo die & anno apud Thorne convenit inter predictum Robertum & Johannem, quod predictus Johannes vendidit predicto Roberto Diabolum ligatum in quodam ligamine pro iii<sup>d</sup>. ob. & super predictus Robertus tradidit predicto Johanni quoddam obolum-carles (i. earnest-money) per quod proprietates dicti Diaboli commoratur in persona dicti Roberti ad habendam deliberationem dicti Diaboli, infra quartam diem prox<sup>o</sup> sequent. Ad quam diem idem Robertus venit ad prefatum Johannem, & petit deliberationem dicti Diaboli, secundum Conventionem inter eos factam; idem Johannes predictum Diabolum deliberare noluit, nec adhuc vult, &c. ad grave dampnum ipsius Roberti lx<sup>sol.</sup>. Et inde producit sectam, &c. & predictus Johannes venit, &c. Et non dedit Conventionem predictam. Et quia videtur Curie quod tale placitum non jacet inter Christianos, Ideo partes predicti adjournantur usque in Infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c. Per Willielmum de Scargell Senescallum.

**Conventione**, Is a Writ that lies for the breach of any Covenant in Writing. *Reg. of Writs*, fol. 185. *Old Nat. Br.* fol. 101. *Fitz.* (Nat. Br. fol. 145.) calls it a *Writ of Covenant*, who divides Covenants into personal and real, making a discourse of both, as also how this Writ lies for both.

**Convenerals**, Are those Religious Men, who are united together in a Convent or Religious House. See *Frier Observant*.

**Conventual Church**. See *Parish*.

**Convict**, (*Convictus*.) Is he that is found Guilty of an Offence by Verdict of a Jury. *Stamf. Pl. Cor.* fol. 186. yet, *Crompton*, out of Judge Dyers Commentaries, 275, saith, That Conviction is, either when a Man is outlawed, or appears and confesseth, or else is found Guilty by the Inquest. *Crompt. Just. of Peace*, fol. 9. Conviction and Attainder are often confounded. See *Attaint* and *Attainted*.

**A Convict Recusant**, Is one that hath been legally presented, indicted and convicted for refusing to come to Church to hear the Common Prayer, according to the Statutes. 1 Eliz. 2. —23 Eliz. 1. and 3 Jac. 4. And this is commonly understood to be a *Popish Recusant*; though any others, that refuse to come to Church for the purpose aforesaid, may as properly be called *Recusants*. See *Fury*.

**Convocation**, (*Convocatio*.) Is the Assembly of all the Clergy to consult of Ecclesiastical Matters in time of Parliament: And as there are Two Houses of Parliament; so are there Two Houses of Convocation; the one called the

*Higber*



*Higher Convocation House*, where all the Archbishops and Bishops sit severally by themselves; the other, the *Lower Convocation House*, where all the rest of the Clergy sit; that is, all the Deans and Archdeacons, One Proctor for every Chapter, and Two Proctors for all the Clergy of each Diocesis, in all about 166 Persons. Anno 25 Hen. 8. cap. 19. See *Prolocutor*.

*Conulance*. See *Cognisance*.

*Conulant*, (Fr. *Cognoissant*.) Knowing, understanding, apprehending. — If the son be Conulant, and agrees to the Feoffment, &c. Coke on Littl. fol. 159. b.

*Conutor*. See *Cognizor*.

*Coopertura*, A Thicket or Covert of Wood. *Carta de Foresta*, cap. 12. *Equus Coopertus*, A Horse Covered, or Harnessed.

*Coparceners*, (*Participes*.) Otherwise called *Parceners*, are such as have equal portion in the inheritance of their Ancestor. *Littleton*, (lib. 3.) says, *Parceners* are either by Law, or by Custom; *Parceners by Law*, are the Issue Female, which (in default of Heir-male,) come in equality to the Lands of their Ancestor. *Bracton*, lib. 2. cap. 30. *Parceners by Custom* are those, who, by Custom of the Country, challenge equal part in such Lands, as in *Kent*, by *Gravel-kind*. Of these you may read more at large in *Littl. lib. 3. cap. 1. & 2.* and *Britton*, cap. 27. The Crown of England is not subject to *Coparcincy*. Anno 25 Hen. 8. cap. 22.

*Cope*, (from *Copia*, plenty,) Is a Custom or Tribute due to the King, or Lord of the Soil, out of the Lead-Mines in the Wapentake of *Warkworth* in *Com. Derby*; of which, thus Mr. *Mantove* in his Treatise of those Liberties and Customs, Printed 1653.

— *Egrefs and Regrefs to the Kings Highway*, The Miners have; and *Lot and Cope* they pay. The Thirteenth Dish of Oar within their Mine, To the Lord, for *Cope*, they pay at Measuring time. Six pence a Load for *Cope* the Lord demands, And that is paid to the *Werghymasters* hands, &c.

See also Sir *John Petrus's Fodina Regales*, on this Subject.

*Copia libelli deliberanda*, Is a Writ that lies in Case, where a Man cannot get the Copy of a Libel at the hands of the Judge Ecclesiastical. *Reg. of Writs*, fol. 31.

*Copthold*, (*Tenura per Copiam Rotuli Curie*.) Is a Tenure for which the Tenant hath nothing to shew, but the Copy of the Rolls made by the Steward of his Lords Court. For, as the Steward enrolls and makes Remembrances of all other things done in the Lords Court; so he does also of such Tenants as are admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor, and the Transcript of this, is called the *Court-Roll*, the Copy whereof the Tenant keeps, as his only evidence. *Coke*, lib. 4. fol. 25. b. This is called a *Base Tenure*,

because it holds at the Will of the Lord. *Kitchin*, fol. 80. cap. *Copibolds*. *Fitzh.* (*Nat. Br.* fol. 12.) says, It was wont to be called *Tenure in Villenage*, and that *Copibold* is but a new name; and yet it is not simply at the Will of the Lord, but according to the Custom of the Mannor. So that if a *Copibolder* break not the Custom of the Mannor, and thereby forfeit his Tenure, he seems not so much to stand at the Lords courtesy for his right, as to be displaced at his pleasure. These Customs are infinite, varying in one point, or other, almost in every several Mannor.

*Copibolders* do, upon their Admittances, pay a Fine to the Lord of the Mannor, of whom the Lands are holden, which Fines are in some Mannors certain, in others incertain: Those which are incertain, the Lord rates as he pleaseth; but if it exceeds two years value, the Courts of *Chancery*, *Kings Bench*, *Common Pleas*, or *Exchequer*, have, in their several Jurisdictions, power to reduce the Fine to that value.

*Copibolds*, are a kind of Inheritance, and called in many places *Customary*; because the Tenant dying, and the hold being void, the next of the Blood, paying the Customary Fine, as Two Shillings for an Acre, or such like, may not be denied his admission. Secondly, some *Copibolders* have, by Custom, the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others held by the Verge in ancient Demeins, and though they hold by *Copy*, yet are they in account a kind of Freeholder; for if such a one commit Felony, the King hath *Annum, diem & vastum*, as in case of Freehold; some others hold by Common Tenure, called *Meer Copibold*, whose Land, upon Felony committed, Escheats to the Lord of the Mannor. *Kitchin*, fol. 81. *Cha. Tenants per Verge in ancient Demein*. This is the Land, which (in the Saxons time) was called *Folkland*. *West*, (Par. 1. *Symbol. lib. 2. sect. 646.*) says, A Copibolder is he who is admitted Tenant of any Lands, or Tenements within a Mannor, which, time out of mind, by the use and custom thereof, have been Demisable to such as will take the same, by Copy of Court-Roll, according to the custom of the said Mannor, &c. Where you may read more on this subject. See *Freebench*.

*Coram non judite*, — In a Cause whereof they (the Judges) have not any Jurisdiction, and then it is *Coram non judice*. 2 Part *Crookes Rep.* fol. 351. *Powels Case*.

*Corraage*, (*Coraagium*.) Is a kind of Inposition extraordinary, growing upon some unusual occasion, and it seems to be of certain Measures of Corn. For *Corus tritici*, is a Measure of Wheat. *Bracton*, lib. 2. cap. 116. num. 6. Who in the same Chapter, num. 8. hath these Words. — *Sunt etiam quedam communes prestationes, quæ servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit; sicut sunt Hidagia, Coraagia, & Carvagia, & alia plura de necessitate, & ex consensu communi totius Regni introducta, &c.*

**Cord of Woad**, Ought to be eight foot long, four foot broad, and four foot high, by Statute.

**Cordage**, (Fr.) Is a general appellation for Stuff to make Ropes, and for all kind of Ropes belonging to the Rigging of a Ship. Mentioned 15 Car. 2. cap. 13. *Seamans Dictionary*.

**Cordiner**, (vulgarly *Cordwaner*.) From the Fr. *Cordovannier*, a Shooe-maker, and is so used in divers Statutes, as 3 Hen. 8. cap. 10. — 5 E. 1. cap. 7. and others.

**Corium foristaceae**, (LL. Ine. cap. 6.) Is to deserve stripes or beating. And *Corium perdere*, i. *Vapulari*, often occurs in our Saxon-Laws.

**Coruage**, (*Cornagium* from *Cornu*, a Horn.) Was a kind of Grand Serjeantry; the service of which Tenure, was to blow a Horn when any Invasion of the Scots was perceived. And by this many Men held their Land Northward, about the Pits-wall. *Camd. Britan. pag. 609.* and *Littleton, fol. 35.* *Cornagium* (says an old Rental) *Vocat. Howtgeld, q. Neatgeld.* But by Stat. 12 Car. 2. cap. 24. All Tenures are turned into free and common Soccage.

Sir Edward Coke (on *Littleton, fol. 107.*) says, *Coruage* is also called in old Books *Horngeld*, but *quare*, for they seem to differ much. See *Horngeld*, and 2 *Inst. fol. 9.*

**Corner-Tile**. See *Gutter-Tile*.

**Corody** or **Corredy**, (*Corrodium*, from *Corrodo*, also *Corredium* and *Corredium*.) Signifies a Sum of Money, or allowance of Meat, Drink, and Cloathing, due to the King from an Abbey, or other House of Religion, whereof he is Founder, towards the reasonable sustenance of such a one of his Servants, or Vadelets, as he thinks good to bestow it on: The difference between a *Corody* and a *Pension*, seems to be, That a *Corody* is allowed towards the maintenance of any of the Kings Servants in an Abbey; a *Pension* is given to one of the Kings Chaplains for his better maintenance, till he may be provided of a Benefice. Of both these, read *Fitzb. Nat. Br. fol. 250.* who sets down all the *Corodies* and *Pensions* certain, that any Abbey, when they stood, was bound to perform to the King.

*Corody* seems to be ancient in our Law; for in *Westm. 2. cap. 25.* it is ordained, that an Assise shall lie for a *Corody*. It is also apparent by the Stat. 34 & 35 Hen. 8. cap. 26. That *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in Frankalmoin was a discharge of all *Corodies* in it self. Stat. 1 Edw. 3. cap. 10. See 2 *Part. Inst. fol. 630.*

**Sciart** — quod nos Radulphus Abbas Monasterii S. Johannis de Haghmon & ejusdem loci Conventus, ad instantiam & speciale rogatum excellentissimi & reverendissimi Domini nostri Thomae Comitis Arundelie & Surreie, Dedimus — Roberto Lee unum Corredium pro termino vite sue, essendo cum Abbate Monasterii predicti Armigerum, cum uno Garcione & duobus equis;

capiendo ibidem esculenta & poculenta sufficientia pro seipso, sicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcione suo, sicut Garciones Abbatis & Armigerorum suorum capiunt & percipiunt; capiendo etiam pro equis suis fenum & prabendam. — Et quod idem Robertus habeat vesturam Armigerorum, &c. Dat. 3 Hen. 5. Mon. Angl. 2 par. fol. 933. a.

**Corodio Habendo**, Is a Writ, whereby to exact a *Corody* of an Abbey, or Religious House. See *Reg. of Writs, fol. 264.*

**Coronare filium**, To make ones Son a Priest. Anciently Lords of Mannors, whose Tenants held by *Villinage*, did prohibit them *Coronare Filios*, lest he should lose a Villain, by their entering into Holy Orders. *Inq. per H. Nott. tit. Brayles.*

**Coronatoze Eligendo**, Is a Writ, which, after the death or discharge of any Coroner, is directed to the Sheriff out of the Chancery, to call together the Freeholders of the County, for the choice of a new Coroner, to certify into Chancery, both the Election, and the Name of the Party elected, and to give him his Oath. See *Westm. 1. cap. 10.* *Fitzb. Nat. Br. fol. 163.* and *Reg. of Writs, fol. 177.*

**Coroner**, (*Coronator à Coronis*.) Is an ancient Officer of this Land, (for mention is made of his Office in King Athelstans Charter to *Beverley, Anno 925.*) and is so called; because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one; they are chosen by the Freeholders of the same by the Kings Writ, and not made by Letters Patent. *Crompt. Jurisd. fol. 126.* This Officer, by the Statute of *Westm. cap. 10.* ought to be a sufficient person, that is, the most wise and discreet Knight, that best would, and might attend upon such an Office; yea, there is a Writ in the Register, *Nisi sit Miles, fol. 177. b.* whereby it appears; it was sufficient cause to remove a Coroner chosen, if he were not a Knight, and had not a hundred Shillings Rent of Freehold. The Lord Chief Justice of the Kings Bench is the Sovereign Coroner of the whole Realm in person, i. wheresoever he abodes, *Lib. Assisarum, fol. 49.* *Coke, lib. 4. Case of Wardens, &c. of the Sadlers, fol. 57. b.* The Office of a Coroner especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Bracton, lib. 3. tract. 2. cap. 5, 6, 7 & 8.* *Britton. cap. 1.* *Fleta, lib. 1. cap. 18.* and *Horns Mirror, lib. 1. cap. del Office del Coroners.* But more aptly for the present times. *Stamf. Pl. Cor. lib. 1. cap. 51.*

There are also certain special Coroners within divers Liberties, as well as these ordinary Officers in every County; as the Coroner of the Verge, which is a certain compass about the Kings Court, whom *Crompt.* in his *Jurisd. fol. 102.* calls the Coroner of the Kings House; of whose Authority, see *Cokes Rep. lib. 4. fol. 46.* By certain Charters belonging to some Colledges



and Corporations, they are licensed to appoint their Coroner within their own Precincts. Of this Office, see also 4 *Inst.* fol. 271. *Smith de Rep. Angl. lib. 2. cap. 21.* And *Lamb. Eiren. cap. 3. pag. 380.* And of the Coroners Office in Scotland, read *Skene, verbo, Ier.*

**Corporal Oath.** See *Oath.*

**Corporation, (Corporatio.)** A Body Politick, or a Body Incorporate; so called, because the persons are made into a Body, and of capacity to take, and grant, &c. And this Body Politick or Incorporate, may commence, and be established three manner of ways, viz. By *Prescription*, by *Letters Patent*, or by *Act of Parliament*. Every Body Politick or Corporate, is either Ecclesiastical, or Lay: Ecclesiastical, either Regular, as Abbats, Priors, &c. or Secular, as Bishops, Deans, Arch-Deacons, Parsons, Vicars, &c. Lay, as Major, Commonalty, Bailiff, and Burghesses, &c. Also every Body Politick or Corporate, is either Elective, Presentative, Collative, or Donative. And again, it is either sole or aggregate of many, which last is by the Civilians called *Collegium*, or *Universitas*. *Coke on Littl. fol. 250.* and 3 *Inst. fol. 202.*

**Corpus Christi day,** (being always on the next Thursday after Trinity-Sunday,) Is a Feast instituted in the year 1264, in honour of the Blessed Sacrament: To which also, a College in Oxford is dedicated. It is mentioned in 32 *Hen. 8. cap. 21.* By which Statute, Trinity-Term is appointed for ever to begin the Morrow after this Feast.

**Corpus cum Causa,** Is a Writ, issuing out of the Chancery, to remove both the Body and Record, touching the Cause of any Man lying in Execution, upon a Judgment for Debt, into the Kings Bench, &c. There to lie till he have satisfied the Judgment. *Fitz. Nat. Br. fol. 251. E.*

**Corrector of the Staple,** Is an Officer or Clerk belonging to the Staple, who makes and Records the Bargains of Merchants there made. *Anno 27. Edm. 3. Stat. 2. cap. 22. & 23.* The Romans called them *Messarios*.

**Corrodium & Conrodium,** The same with *Corrodium*. See *Corody*: — *Et decimam, ratiis Conredii mei.* *Mon. Angl. 1. Vol. fol. 587. a.*

**Corrody.** See *Corody*.

**Corruption of Blood, (Corruptio Sanguinis.)** Is an Infection growing to the State of a Man, (attainted of Felony or Treason,) and to his Issue: For, as he loseth all to the Prince, or other Lord of the Fee, as his case is; so his Issue cannot be Heirs to him, or to any other Ancestor by him. And, if he were Noble, or a Gentleman before, he and his Children, are thereby ignobled and ungentiled. But, if the King pardon the Offender, it will cleanse the Corruption of Blood in those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor, purchased at the time of the Pardon, or afterward; but so cannot they, who were born before the Pardon. Yet note, there

are divers Offences made Treason by Act of Parliament, whereof, though a Man be Attaint, yet his Blood, by Provisoos therein, is not corrupt, nor shall he forfeit any thing, but what he hath for his own life; for which, see the several Statutes of 5 *Eliz. cap. 1. 11 & 14.* — 18 *Eliz. cap. 1.* — 31 *Eliz. cap. 4.* and 1 *Jac. cap. 12.*

**Cosselet, (Fr.)** Signifies a little Body, in Latin *Corpusculum*. It is used with us for an Armor to cover the whole Body, or Trunk of a Man, (*Anno 4 & 5 Phil. & Ma. cap. 2.*) where-with the Pikemen, commonly placed in the Front and Flanks of the Battle, are armed, for better resistance of the Enemies assaults, and surer guard of the Gunners, placed behind, or within them. See *Barrets Discourse of War, Lib. 3. Dial. 2.*

**Cosined, (Sax.)** Was a kind of Superstitious Trial, used by our Saxons, by a piece of Barly Bread first execrated by the Priest, and then offered to the suspected guilty Person, to be swallowed in way of Purgation; For they believed, a Person, if guilty, could not possibly swallow down a Moriel, so accursed; or if he did, it would choak him.

**Corseprentur, ((from the Fr. Corps presenté, i. the Body presented.)** Signifies a Mortuary, *Anno 21 Hen. 8. cap. 6.* And the reason why it was thus termed, seems to be, That where a Mortuary, after any Mans Death, became due, the Body of the best or second Beast, was, according to the Custom, offered or presented to the Priest, and carried along with the Corps.

*In nomine Patris, & Filii, & Spiritus Sancti. Ego Brianus de Brompton Sen. Anno Domini MCLXII in vigilia Apostolorum Simonis & Judae condito Testamentum meum. Volo corpus meum sepeliri in Priuatu Maioris Malvernie inter Praedecessores meos, & cum corpore meo Palefridum meum, cum heredes & Equum summarium, cum lecto mea, &c. In codice M. S. penes Guf. Dugdale, Mil.*

**Cosenage, (Fr. Cousinage, i. Kinred, Coshinship.)** Is a Writ that lies, where the Tresail (that is, *Tritavius*, the Father of the Desail; or Great Grandfather,) being seized in Fee, at his death of certain Lands or Tenements, and dies; a stranger enters and abates, then shall his Heir have this Writ of *Cosenage*. The Form whereof, see in *Fitz. Nat. Br. fol. 221.* Of this also, read *Britton* at large, cap. 89. Nor is there any Affinity or Cousinage between them. *St. 4 Hen. 4. 8.*

**Cosening,** Is an Offence, whereby any thing is done deceitfully in or out of Contracts, which cannot be fitly termed by any especial name. *West, pa. 2. Symb. tit. Indictments, Sect. 68.* It is called *Stellionatus* in the Civil Law.

**Cotage, (Cotagium & Chota, from the Sax. Cothe.)** Is a House without Land belonging to it. *Anno 4 Edm. 1. Stat. 1.* And the Inhabitants of such Cotages, are called Cotagers. By a later Statute

Statute of 31 *Elix.* cap. 7. No Man may build a House, unless he lay four Acres of Land to it; so that a *Corage* is properly any little House, that hath not four Acres of Land belonging to it. — *Dedit Chotam, & quendam campum sup-  
eratum huic Chotæ.* Mon. Angl. 1. par. fol. 201. b.

**Cotarius, A Corager.**

**Cotarii, Debent talliari ad voluntatem Domini;** facere servicia incerta; nihil dare, nihil vendere, nihil proprium habere, nec possunt acquirere, nisi ad promotionem Domini sui. Ex libr. irrot. Eccl. Christi Cantuar. fol. 211.

**Coterelli, (Fr. Cotereaux,)** Were anciently a certain kind of peasantly Outlaws; but used in our Records for *Cottagers, qui Cottagia & Curtilagia tenent.* Coke, 2 Inst.

**Cot-gare, Is a kind of Refuse Wool;** so clung or clotted together, that it cannot be pulled asunder. Anno 13 Rich. 2. Stat. 1. cap. 9. where it is provided, That neither Denizen nor Foreigner, make any other refuse of Wools, but Cot-gare and Villein. So the printed Stat. but in the Parliament-Roll of that year it is *Cot-land and Villein.* Cot or Cote, signifies also as much as *Corage* in many places, and was so used by the Saxons, according to *Verstegan.*

**Cotland alias Cotserthland.** Lib. Ramef. Sect. 256. — *Dedit predictus Abbas predicto Hugoni pro tota terra que tunc temporis a S. Benedicto idem Hugo tenebat, unam Cotserthlandam cum libero servitio in villa que dicitur Slepe & unum Maingagium in foro ejusdem ville. Cotserthlandam hic intelligo Coræ sedem, & predicti quidpiam ad eandem pertinens.* Spelman. — *De una Cotthlanda terra in Wathford.* Pat. 9 Ed. 2. par. 2. m. 2.

**Coucher or Courther, Signifies a Factor,** that continues in some place or Country for Traffick; as formerly in *Gascoign*, for buying Wines. Anno 37 Edw. 3. cap. 16. *Coucher* is also used for the General Book, in which any Religious House or Corporation Register their particular Acts. Anno 3 & 4 Edw. 6. cap. 10.

**Covenable, (Fr. Convenable,)** Fit, convenient, or suitable. — That every of the same three sorts of Fish, be good and covenable, as in old time hath been used. 31 Edw. 3. Stat. 3. cap. 2. Plowden, fol. 472. a.

**Covenant, (Conventio,)** Is the Consent or Agreement of two or more in one thing, to do or perform somewhat. West, par. 2. Symb. lib. 1. Sect. 4. It seems to be as much as *Pactum* or *Conventum*, with the Civilians. Covenant is either in Law, or in Fact. Coke, lib. 4. Nokes Case, fol. 80. Or Covenant Express, and Covenant in Law. Idem, lib. 6. fol. 17. Covenant in Law, is that which the Law intends to be made, though it be not expressed in words: As if the Lessor demise and grant B. Acre to the Lessee for a certain term, the Law intends a Covenant on the Lessors part, that the Lessee shall, during the term, quietly enjoy his Lease against all lawful incumbrance.

**Covenant in Fact, is that which is expressly agreed between the parties.** There is also a Co-

venant merely personal, and a Covenant real. Fitz. Nat. Br. fol. 145. who seems to say, a Covenant real is that, whereby a Man ties himself to pass a thing real, as Land or Tenements; or to levy a Fine of Land, &c. Covenant merely personal is, where a Man Covenants with another by Deed, to build him a House, or to serve him; &c. See *Conventio.*

Covenant is also the name of a Writ, for which see *Conventione*, and *New Book of Entries*, verbo *Covenant.*

**N**overint omnes presentes scriptum Cyrographatum visur. vel auditur. quod xviii die April. Temporis gratia MCCLX, ita convenit inter nos Hugonem de Okelethorp & Adam filium Ade de Thowes, generum ejusdem Hugonis, sc. quod ego Adam non dabo, impignorabo, vendam, nec alienabo aliquam partem tenementi mei de quo fui vestitus & saisitus predicto die, nec tenementi mihi contingentis nomine hereditatis, sine voluntate & assensu predicti Hugonis vel heredum suorum. Et quod amabiliter tractabo uxorem meam, filiam predicti Hugonis; Et nisi fecero, ibo per septem dies sabati nudus per medium forum de Harewode quod plenus fuerit, secundum ordinationem dicti Hugonis. Omnia autem prescripta fideliter & sine fraude observanda pro me & heredibus meis, tactis sacrosanctis, juravi & affidavit; Et ne istud alicui hominum vertatur in dubium, nos predicti Hugo & Adam sigilla nostra pariter his mutuis scriptis apposuimus. Hic testibus, Stephano Sperry, tunc Cyrographar. Civitatis Ebor. Daniele de Tottie Clerico, Ricardo de Waleys de Acculum, Ade de Northfolch, Thomâ Bdwyn Allutario de Ebor. & aliis. Ex M. S. penes Gul. Dugdale, Mil.

**Covenant, (Fædus,)** The late Solemn League and Covenant, first hatch'd in Scotland, was a Seditious Conspiracy, too well known to need any Explication; it was Voted Illegal and Irreligious by Parliament in May 1661. and provision is made against it by the Statute 14 Car. 2. cap. 4. Where it is declared to have been imposed on the Subjects of this Realm, against the known Laws and Liberties of the same.

**Convent or Convent, (Conventus,)** Signifies the Society or Fraternity of an Abbey or Priory; as *Societas* does the number of Fellows in a College. *Bracton, lib. 2. cap. 35.*

**Coverture, (Fr.)** Any thing that covers, as Apparel, a Coverlet; but it is particularly applied to the state and condition of a married Woman, who by our Law is *Sub potestate viri*, and therefore disabled to contract with any, to the prejudice of her self or husband, without his consent and privity, or, at least, without his allowance and confirmation. *Brooke, hoc titulo. Omnia que sunt uxoris, sunt ipsius viri. Vir est caput mulieris. Sine viro respondere non potest.* *Bracton, lib. 2. cap. 15. & lib. 4. cap. 24.* And if the Husband alien the Wifes Land, during the Coverture, she cannot gainsay it, during his life. See *Cui ante divorcium*, and *Cui in vita.*

Cotline,



**Cabine**, (*Covina*,) Is a deceitful Compact or Agreement between two or more, to deceive or prejudice a third person. As if Tenant for Life conspires with another, that this other shall recover the Land which the Tenant holds, in prejudice of him in Reversion. *Plow. Com. fol. 546.* Dr. Skimmer takes it to be a corruption from the lat. *Conventum*, and therefore writes it *Coven*.

**Count**, (*Fr. Conte*,) Signifies the original Declaration in a Real Action; as *Declaration* is, in a Personal. *Fitz. Nat. Br. fol. 26.* *Libellus* with the *Civilians* comprehends both. Yet *Count* and *Declaration* are sometimes confounded, as *Count in Debt. Kitchin, fol. 281.* *Count* or *Declaration* in Appeal. *Pl. Cor. fol. 78.* *Count* in *Trespas*. *Britton, cap. 26.* See *Declaration*.

**Countee**, (*Fr. Comite*,) A *Comitatus*, because they accompany the King, ) Was, next to the Duke, the most eminent Dignity of a Subject, before, as well as since, the Conquest; and those, who in ancient time, were created *Countrees*, were Men of great Estate and Dignity: For which cause, the Law gives them great Privileges; as, their Persons may not be Arrested for Debt, *Trespas*, &c. (because the Law intends, that they assist the King with their Council for the Publick Good, and preserve the Realm by their Prowess and Valor;) they may not be put upon Juries. If issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, This shall not be tried by the Country, but by the Kings Writ. Also the Defendant shall not have a day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Præfectus*, or *Præpositus Comitatus*, and had the charge and custody of the County, whose Authority the Sheriff now hath. *Coke, lib. 9. fol. 49.* And is therefore called *Viscount*. See *Earl*.

**Countenance**, Seems to be used for credit or estimation. *Old Nat. Br. fol. 111.* And likewise *Anno 1 Edw. 3. Stat. 2. cap. 4.* in these words, *Sheriffs shall charge the Kings debtors with as much as they may levy with their Dachs, without abating the debtors Countenance.* See *Contentment*.

**Counter**, (from the Lat. *Computare*,) Is the name of two Prisons in London, the *Poultry Counter*, and *Woodstreet Counter*; whereinto if any enter, he is like to account ere he get thence.

**Counter-mand**, Is, were a thing, formerly executed, is afterward, by some Act or Ceremony, made void, by the party that first did it. As, if a Man makes his last Will, and devises his Land to I. S. and afterward enfeoffs another of the same Land, here this Feoffment is a *Counter-mand* to the Will, and the Will void, as to the disposition of the Land.

**Counter-plee**, Signifies a Replication to *Ayde Prier*; For, when Tenant by courtesy, in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better defence; or else, if a stranger to the Action begun, desires to be received, to say what he

can for the safeguard of his Estate, that which the Demandant alledgeth against this request, why it should not be admitted, is called a *Counter-plee*. In which sense it is used, *25 Edw. 3. Stat. 3. cap. 7.*

**Counter-rolls**, — That Sheriffs shall have Counter-rolls with the Coroners, as well of Appeals, as of Conquests, &c. *Anno 3 Edw. 1. cap. 10.*

**Countours**, (*Fr. Contours*,) Have been taken for such Serjeants at Law, as a Man retains to defend his Cause, or speak for him in any Court for their Fee. *Horns Mirror, lib. 2. cap. des Loyers.* And of whom thus Chaucer,

—A Sheriff had he been, and a Contour,  
Was no where such a worthy Abalour.

They were anciently called *Serjeant-Countours*. *Coke on Littl. fol. 17. a.*

**County**, (*Comitatus*,) Signifies the same with *Shire*; the one coming from the French, the other from the Saxons, both containing a circuit or portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easie Administration of Justice: So that there is no part of this Nation that lies not within some County, and every County is governed by a yearly Officer, whom we call a Sheriff. *Fortescu, cap. 24.* Of these Counties, there are four of special mark, which therefore are termed *Counties Palatine*, As *Lancaster, Chester, Durham, and Ely.* *Anno 5 Elix. cap. 23.* We read also anciently of the *Counties Palatine* of *Pembroke*, and *Hexam*, *Anno 33 Hen. 8. cap. 10.* (which last, did belong to the Archbishop of York.) — This Act, nor any thing therein contained, shall not extend to the County Palatine of Hexam, within the County of Northumberland, ne to the County Palatine of Ely, within the County of Cambridge, &c. But by the Stat. 14 Elix. cap. 15. this County Palatine of Hexham was stript of its Privilege, and reduced to be a part of the County of Northumberland. The chief Governors of these Counties Palatine, by special Charter from the King, did heretofore send out all Writs in their own names, and did all things touching Justice, as absolutely as the Prince himself in other Counties, only acknowledging him their Superior and Sovereign. But by the Statute 27 H. 8. cap. 24. This power is much abridged, to which I refer the Reader; as also to *Crompt. Jurisd. fol. 137.* and 4 *Instit. fol. 204. § 221.*

Besides these Counties of both sorts, there are likewise unto some Cities, some Territory, Lands, or Jurisdiction annexed, as the County of *Middlesex*, by King Henry the First, to the City of London. The County of the City of York, *Anno 32 Hen. 8. cap. 13.* *Chester*, *Anno 43 Elix. cap. 15.* *Canterbury*, *Lamb. Eiren. lib. 1. cap. 9.* *Norwich*, *Worcester*, *Coventry*, *Exeter*, &c. The County of the Town of *Kingston upon Hull*, 32 Hen. 8. cap. 13. *Newcastle upon Tyne*, &c. The County of the Town of *Haverford West*, 35 Hen. 8. cap. 16.

*County* is, in another signification, used for the *County Court*, which the Sheriff keeps every Month, either by himself or his Deputy. *Anno 2 Edw. 6. cap. 25. Cromp. Jur. fol. 221. Bracton, lib. 3. cap. 7. and tract. 2. cap. 12.*

The word *Comitatus*, is also used for a Jurisdiction or Territory, among the *Feudists*. See *Comitatus*.

**County Court**, (*Curia Comitatus*,) Is by *Lambert* otherwise called *Conventus*, and divided into two sorts; one retaining the general name, as the *County Court* held every Month by the Sheriff, or his Deputy the Under-Sheriff. The other called the *Tun*, held twice every year; of both which, you may read in *Crompt. Jurisd. fol. 231*. This *County Court* had, in ancient times, the cognition of great matters, as may appear by *Glanville, lib. 1. cap. 2; 3, 4. by Bracton, and Britton* in divers places, and by *Fleta, lib. 2. cap. 62*: but was abridged by *Magna Charta, cap. 17*. and much by *1 Edw. 4. cap. unico*. It had also, and hath the determination of certain *Trespases* and *Debts* under Forty Shillings. *Britton, cap. 27. & 28.*

**Counting-House of the Kings Household**, (*Domus Computus Hospitii Regii*,) Commonly called the *Green-Cloth*, in respect of the *Green-cloth* on the Table; where sit the Lord Steward, the Treasurer of the Kings House, the Comptroller, Master of the Household, Cofferer, and two Clerks Comptrollers; for daily taking the Accounts of all Expenses of the Household, making provisions, and ordering payment for the same; for the good Government of the Kings Household Servants, and for paying the Wages of those below Stairs. *Vide 39 Eliz. Cap. 7. and 4 Inst. fol. 131.*

**Courtaier**, (Fr.) A Horse-courser. *2. Inst. fol. 719.*

**Courstour**. See *Cuisiter*.

**Court**, (*Curia*,) Signifies the Kings Palace, or Mansion; and more especially the place where justice is judicially administered, of which, you may find Thirty two several sorts in *Cromptons Jurisdictions* well described; whereof most are Courts of Record, some not, and therefore are accounted *Base Courts*, in comparison of the rest. Besides these, there are also *Courts Christian*. *Smith de Rep. Angl. lib. 3. Cap. 6.* which are so called, because they handle matters especially appertaining to *Christianity*, and such as, without good knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the superiority in all Causes Spiritual; but since his ejection, they hold them by the Kings Authority, *Virtute Magistratus sui*, as the Admiral of England doth his Court: Whereupon they send out their Precepts, in their own Names, and not in the Kings, as the Justices of the Kings Courts do. And therefore, as the Appeal from these Courts did lie to Rome, now by the Stat. *25. Hen. 8. Cap. 19.* it lies to the King in his Chancery. *V. Cokes 4 Inst.*

**Court Baron**, (*Curia Baronis*,) Is a Court, which every Lord of a Mannor (who in ancient times were called *Barons*,) hath within his own Precincts. *Barons*, in other Nations, have great Territories and Jurisdiction from their Sovereigns; But here in England, what they are, and have been heretofore, see in *Baron*. Of this Court, and *Court Leet*, read *Kitchin*. *Sir Edward Coke, lib. 4.* among his Copihold Cases, *fol. 26. b.* says, That this Court is twofold after a sort; and therefore, if a Man, having a Mannor, grant the Inheritance of the Copiholders to another, the Grantee may keep a Court for the Customary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court Baron*, wherein the iudges, that is, the Freeholders, are Judges; whereas of the other, the Lord or his Steward is Judge. This therefore is more properly *Curia Baronum*, i. the Court of Freeholders, (for so *Barones* does also signify,) over whom the Lord of the Mannor presides.

**Court Christian**, (*Curia Christianitatis*,) So called, because, as in Secular Courts, the Kings Laws do sway and decide Causes; so in Ecclesiastical Courts, the Laws of *Christ* should rule and direct; for which Cause, the Judges in those Courts are Divines, as Archbishops, Bishops, Arch-Deacons, &c. *Linwood's words* are these. *In Curia Christianitatis, i. Ecclesie, in qua servantur Leges Christi, cum tamen in foro regio servantur Leges mundi.* *2 Part Inst. fol. 488.* See before in *Court*.

**Court of the Legat**. Was a Court obtained by Cardinal *Woolsey*, of Pope *Leo* the Tenth, in the Ninth Year of *Henry* the Eighth, wherein he had Power to prove Wills, and dispense with Offences against the Spiritual Laws, &c. And was but of short continuance.

**Court of Requests**, (*Curia Requisitionum*,) Was a Court of Equity, of the same nature with the *Chancery*, but inferior to it; principally instituted for the relief of such Petitioners, as, in conscionable Cases, addressed themselves by Supplication to His Majesty. Of this Court the Lord Privy Seal was chief Judge, assisted by the *Masters of Requests*, and had beginning about 9 *Hen 7.* according to *Sir Julius Caesar's Tractate* on this subject. *Mich. 40 & 41 Eliz.* in the Court of *Common Pleas*, it was adjudged upon solemn Argument, That this Court of Requests, or the *Whitehal*, was no Court that had power of Judicature, &c. See 4 *Part. Inst. fol. 97.*

**Court of Py-powders**. See *Py-Powders*.

**Court of Delegates**, is the highest Court for Civil Affairs that concern the Church; the Jurisdiction whereof was established by 25 *Hen. 8. cap. 19.* From the highest Court of the Archbishop of *Cant.* there lies an Appeal to this Court, and from this, to no other. See *Delegates*.

**Court of Chivalry**, (*Curia Militaris*,) Otherwise called the *Marshal Court*; the Judges of



it are the Lord Constable of England, and the Earl Marshal of England: This Court is the Fountain of the Marshal Law, and the Earl Marshal is both one of the Judges, and to see execution done. See Constable, and 4 Part. Instit. fol. 123.

**Jehan**, filz, frere, & uncle au Roys, Duc de Bedford, & d'Anjou, Conte Richemond & de Kendal, & Conestable d'Angleterre, a nostre treschere Cousin Jean Duc de Norfolk, Marechal, d'Angleterre salut. Nous vous mandons & chargeons qui vous facez arrester & venir devant nous ou nostre Lieutenant a Westminster a la Quinziesme du Saint Hillaire prochain venant William Clopton du Comte de Suffolke Esquier, pour adunques respondre devant nous ou nostre Lieutenant, en la Cour de Chivalrie, a Robert Eland Esquier de Comte de Nichol de ce que le dit Robert adunques luy sur mettra par voie de Armes, ad & appose le Seel de ces Armes a un faux & forge fait, as damages du dit Robert de C1. &c. Donne soubz le seel du nostre Office, &c.

**Court of the Admiralty**, (*Curia Admiraltatis*,) Was erected (as some hold,) by Edw. the Third, for deciding Maritime Causes; and the Title of its Judge is *Suprema Curia Admiraltatis Anglie locum tenens, Judex sive Præsident*. For the extent of its Jurisdiction. See Prin's Animadv. on 4th Inst.

**Court of Peculiars**, (*Curia Peculiarium*,) Is a Spiritual Court, held in such Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Archbishop of Cant. in whose Province there are 57 such Peculiars.

**Courtillage**. See *Curtilage*.

**Cousinage**. See *Cosenage*.

**Couthulaugh**, (*Sax* Couth, *sciens*, & *Ulaugh*, *exlex*,) Is he that willingly receives a Man out-lawed, and cherishes or conceals him. In which case, he was, in ancient time, subject to the same Punishment that the Outlaw himself was. *Bracton*, lib. 3. tract. 2. cap. 13. num. 2.

**Cranage**, (*Cranagium*,) Is a liberty to use a Crane for drawing up Wares from the Vessels, at any Creek of the Sea, or Wharff, unto the Land, and to make profit of it. It signifies also the Money paid and taken for the same. *New Book of Entries*, fol. 3. Anno 22 Car. 2. cap. 11.

**Crastino Sancti Vincentii**, (i. the morrow after the Feast of St. Vincent the Martyr, which is 22 Januarii,) Is the date of the Statutes made at Merton, Anno 20 Hen. 3.

**Cravent or Craven**. In a tryal by Battel, upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the vanquished acknowledge his fault, in the audience of the people, or pronounce the horrid word Cravent, in the name of Recreantise, &c. and presently Judgment was to be given, and after this, the Recreant should Amittere

*liberam legem*, that is, He should become infamous, &c. See 2 Part. Instit. fol. 247, 248. We retain the word still for a Coward. If the Appellant join Battel, and cry Craven, he shall lose *liberam legem*; but if the Appellee cry Craven, he shall be hang'd, 3 Inst. fol. 221.

**Craper**, Seems to be a kind of small Sea Vessel or Ship, mentioned in the Stat. 14 Car. 2. cap. 27. *Et transitus Craerarum & Batellorum cum victualibus & alijs necessarijs*, &c. Pat. 6. Ric. 2. Pars 2. m. 13.

**Creantor**, (*Creditor*, of the Fr. *Croyance*, *persuasio*,) Signifies him that trusts another with any debt, be it in Money or Wares. *Old Nat. Br.* fol. 67. Anno 38 Edw. 3. cap. 5.

**Creation-money**, (*Stat. Car. 2. cap. 1.*)

**Creastile**. See *Roof-tile*.

**Creek**, (*Creca*, *Sax.* *Cpecca*) Is a part of a Haven, where any thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many Landing places you have, so many Creeks may be said to belong to that Haven. See *Crompt. Jurisd.* fol. 110. a. This word is mentioned in the Stat. 4 Hen. 4. cap. 20. (where 'tis said, — *in great Ports of the Sea, and not in Crykes or small arrivals*,) 5 Eliz. cap. 5. and 14 Car. 2. cap. 28. and in *Plow. Casu*, *Remyger & Fogassa*.

**Crocarus**, A sort of Money. See *Pollards*.

**Croft**, (*Sax.* *Croftus* & *Crofta*, A little Close or Pidle, enclosed, near a Dwelling House, for any particular use. *Possunt etiam dicti Monachi de eisdem mariscis versus occidentem jacentibus, pro se & hominibus suis, includere Croftos, sive pratum juxta pontem separatim quantum illis placuerit*. *Ingulf.* In some ancient Deeds *Cruftra* occurs, as the Latin word for a Croft; but *Cum Toftis & Croftis* is most frequent. *Croft* is translated by *Abbo Floriacensis*, in *Prædium*, a Farm.

**Croises**, (*Cruce signati*,) are used by Britton (*cap. 122.*) for Pilgrims, because they wear the sign of the Cross upon their Garments. Of these, and their Priviledges, read *Bracton*, lib. 5. pa. 2. cap. 2. and pa. 5. cap. 29. And the *Grand Customary of Normandy*, cap. 45. Under this word are also signified the Knights of S. John of Jerusalem, created for the defence of Pilgrims; and all those worthy Men of the Nobility and Gentry of England, who, in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, were *Cruce signati*, as dedicating and listing themselves to the Wars, for the recovery of Jerusalem and the Holy Land. *Greg. Syntag. lib. 15. cap. 13 & 14.*

**Cuckingstool**, or **Cokestool**, (*Tumbrellum*,) Is an Engin invented for the punishment of Scolds and unquiet Women, by Ducking them in the Water, called in ancient time a *Tumbrel*, and sometimes a *Trebuchet*, *Lamb. Eiren. lib. 1. cap. 12.* *Bracton* writes this word *Tymborella*. *Kitchin*, (*cap. Charge in Court Lect.* fol. 13. a.) says, Every one having view of Frank-pledge, ought to have a Pillory, and a Tumbrel. This was in use even in our Saxons time, by whom it was

was called Scealfingstole, and described to be *Carhedra, in qua rixose mulieres sedentes, aquis demergebantur*: It was a punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon, in such a Stool or Chair, to be ducked and immersed in Stercor, some muddy or stinking Pond. This I find also anciently written, *Cugingstole*. See *Pandoxatrix*. And in *Domesday* it is called *Carhedra Stercoris*. Some think it a Corruption from *Duckingstool*; others from *Choakingstool*; *quia hoc modo demerse aquis fere suffocantur*.

**Cudutlaugh.** See *Couthutlaugh*.

**Cui ante divorcium,** Is a Writ, which a Woman, divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the Marriage, because, during the Marriage, she could not gain say it. *Reg. of Writs, fol. 233. Fitz. Nat. Br. fol. 204.*

**Cui in Vita,** Is a Writ of Entry, which a Widow hath against him, to whom her Husband alienated her Lands or Tenements in his life time, which must specify, that, *During his life*, she could not withstand it. *Reg. of Writs, fol. 232. Fitz. Nat. Br. fol. 193.* See the *New Book of Entries, verbo, Cui in vita.*

**Cuillieurs des gentz.** Whereas Murthers, Cuillieurs des Gentz, Robberies, &c. are done and committed without number, &c. *Cotton's abr. of Records, fol. 62. 21. Edw. 3. 9.*

**Culward & Culberd,** *Salua Summonitione de Culward. Carta Willielmi de Tabley temp. Edw. I.* seems to be the same with *Culvertage*, or Cowardise.

**Culagium,** Is when a Ship is laid in the Dock to be repaired. *M. S. Arth. Trevor, Arm. de Plac. Edw. 3.*

**Cultura,** A parcel of arable Land, *Dr. Thoroton, in his Nottinghamshire*, englishes it, a *Wong*. It often occurs in old Writings, as *totam illam Culturam que vocatur Watercroft.*

**Culvertage,** (*Culvertagium*, from *Culum* & *vertere*, to turn tail.) *Omnes cum equis & armis iussit sub nomine Culvertagii convenire. Matth. Paris, fol. 233.* That is, under the Penalty of Cowardise, or being accounted Cowards. See *Gloss. in x. Scriptores.*

**Cuna Cervisia,** A Tub of Ale. *Domesday.* See *Ruffa*. And, to this day, in Cheshire, a Brewing Vessel is called a *Cump*.

**Cunage,** (*Cinagium*.) — *De Cunagio Stannaria, & de emptione totius Stanni in Com. Devon. & Cornub. Rot. Pat. 21 Edw. 3.* See *Coinage*.

**Cuneum Monetæ.** *Ordo tenet manerium de Lilleston in Com. Midd. per Seriantiam custodiendi Cuneum Monetæ Domini Regis. i. Sigillum ferreum quo nummus cuditur*; the King's Stamp for Coynage. Hence comes our word *Coyne*, *quasi, Cune.* *Sciatis quod concessimus venerabili Patri nostro Cicestr. Episcopo, quod habeat Cuneum suum in Civitate Cicestræ, &c. T. 29 Apr. Claus. 6 Joh. m. 3.*

**Cuntey-Cuntey,** Is a kind of tryal, as appears by *Bracton*, in these words, *Negotium in hoc casu terminabitur per Cuntey-Cuntey, sicut inter Cohæredes.* — And, *In breui de recto negotium terminabitur per Cuntey-Cuntey*, which seems to be as much, as the ordinary Jury. *Bracton, lib. 4. tract. 3. cap. 18.*

**Curfew,** (*Ignitegium*), of the Fr. *Coverir feu*, (*i. Cover the Fire*.) Signifies an Evening Peal, by which the Conqueror commanded every Man to take warning, for raking up his Fire, and putting out his light: So that in many places at this day, where a Bell is customarily rung towards Bed-time, it is said to ring *Curfew*. *Hil. 3 Rich. 2. Coram Rege, Rot. 8. London.*

**Curia.** See *Court*.

**Curia advisare vult,** Is a Deliberation which the Court sometimes takes, before they give Judgment in a Cause, wherein there seems to be any point of difficulty; for which, see the *New Book of Entries* on this word.

**Curia Claudenda,** Is a Writ that lies against him, who should fence and enclose the ground, if he refuse or defer to do it. *Reg. of Writs, fol. 155; Fitz. Nat. Br. fol. 127. New Book of Entries, verbo, Curia Claudenda.*

**Curia Militum,** A Court so called, anciently held at *Carisbroke Castle* in the Isle of *Weight*. — *Et idem Dominus Willielmus de Insula debet facere sectam ad Curiam Domini Castri de Carisbroc, de tribus septimanis in tres septimanas in Curia, que vocatur Curia Militum. Inq. de anno 47 Hen. 3. n. 32.*

**Curia Baronum.** See *Court Baron*.

**Curia Penticiarum.** *Id est, Curia in civitate Cestrie coram Vice-comite ibidem in Aula Penticia ejusdem Civitatis. Pl. in Itin. apud Cestriam, 14 Hen. 7.* It is probable this Court was originally kept under a *Pentice*, or Shed covered with Boards, and thence took denomination.

**Cursones terræ.** *Sciatis quod ego Willielmus Crump dedi — Henrico de Stotton unam dimidiam acram & duas Cursones terræ meæ in Lyston, &c. Dat. 14 Edw. 2.* Seems to signify Ridges of Land.

**Turnock,** Is four Bushels, or half a Quarter of Corn. *Fleta lib. 2. cap. 12.*

**Curstors,** (*Clerici de Curia*.) Of these there are in the Chancery twenty, who make out original Writs, and are a Corporation of themselves, and to every Clerk are appointed certain Counties. *2 Inst. fol. 670.* These are called *Clerks of Course*, in their Oath 18 Edw. 3.

**Curtesie of England,** (*Fus Curialitatis Angliæ*.) Is where a Man takes a Wife, seised of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land, during his life, by the Law of England, And he is call'd *Tenant by the Curtesie of England*; because this Priviledge is not allowed in any other Realm, except in Scotland, where it is called *Curialitas Scotia.*

**Curteyn,**



**Curteyn**, (*Curtana*.) Was the name of King Edward the Confessors Sword, which is the first Sword that is carried before the Kings of England, at their Coronation. *Matth. Paris in Hen. 3.* And it is said, the point of it is broken, which may argue an emblem of Mercy.

**Curtilage**, (*Curtilagium*.) A Yard, Back-side, or piece of Ground lying near a dwelling House, where they sow Hemp, Beans, and such like. *Perseorum* (decimam) *Lactis, hortorum, Curtilagiorum, Lanae, &c.* *Provinciale Angl. lib. 3. tit. de Decimis.* — *Et si in Curtilagio alicujus bladum seminaretur, decimam garbam illius bladi, sicut in campis percipiet.* *Inq. 36 Hen. 3. Mibi dici videtur Curtilagium* (says *Spelman*.) *a Curtillum & ago, scil. locus ubi curvis vel curtilli negotium agitur.* It is mentioned *Anno 4 Edw. 1. cap. unico. Anno 35 Hen. 8. cap. 4. and 39 Eliz. cap. 2.* See *Coke*, vol. 6. fol. 64. a. and *Bulstrodes Rep. 2 par. fol. 113. cum quodam giardino & Curtilagio, 15 Edw. 1. n. 34.* by which it seems to differ from a Garden.

**Custode admittendo, & Custode amovendo**, Are Writs for the admitting or removing Guardians. *Reg. of Writs, in indice.*

**Custodes libertatis Angliæ** *Authoritate Parliamenti*, Was the style or title in which Writs, and other Judicial Proceedings did run, in the *Rump time*, that is, from the Decollation of King Charles the First, till the *Usurper Oliver* was declared *Protector*, &c. mentioned in the Statute of *12 Car. 2. cap. 3.*

**Custom** (*Consuetudo*.) hath the same signification with us, as with the *Civilians*, being by both accounted a part of the Law. *Consuetudo quandoque pro lege servatur*, (saith *Bracton*.) *in partibus ubi fuerit more utentium approbata; longævi enim temporis usus & Consuetudinis non est vili auctoritas.* *Lib. 1. cap. 3.* Custom is a Law or Right not written, which, being established by long use, and the consent of our Ancestors, and those of our Kindred, that are *Ultra Tritavum*, hath been and daily is practised. So that, allowing the Father to be so much older than his Son, as *pubertas*, or the years of generation require, the Grandfather so much elder than him, and so forth *usque ad tritavum*, we cannot say this or that is a Custom, except we can justify it hath continued so One hundred years: For *tritavus* must be so much elder than the Party that pleads it; yet, because that is hard to prove, it is enough for the proof of a Custom, if two or more Witnesses can depose they heard their Fathers say, it was a Custom all their time, and that their Fathers heard their Fathers also say, it was so in their time. If it be to be proved by Record, the continuance of One hundred years will suffice. *Sir Jo. Davies Rep. in Praef. & fol. 32.*

Custom is either general or particular: General is that which is current through England, whereof you shall read divers in *Doctor and Student*, lib. 1. cap. 7. Particular, is that which belongs to this or that Lordship, City or Town.

Custom differs from prescription, that being common to more; Prescription, for the most part, particular to this or that Man. Again,

Prescription may be for a far shorter time than Custom, viz. for five years or less. Out of our Statutes you may have greater diversity, which see collected in *Cowels Institutes, tit. de usucap. & longi temp. prescript.*

Custom is also used for the Tribute or Toll, (called *Tonnage and Poundage*.) which Merchants pay to the King for carrying out, and bringing in, Merchandise. *Anno 14 Edw. 3. Stat. 1. cap. 21. and 12 Car. 2. cap. 4.* In which Signification it is Latined, *Custuma. Reg. of Writs, fol. 138. a and 4 Inst. fol. 29.* And lastly, for such services as Tenants of a Mannor owe to their Lord.

**Custom-house**, Is a House in London, where the Kings Customs are received, and the whole business, relating thereunto, transacted. *Anno 12 Car. 2. cap. 4.*

**Customary Tenants**, (*Customarii, vel Tenentes per consuetudinem*.) Are such Tenants as hold by the Custom of the Mannor, as their special Evidence. These were anciently Bondsmen, or those that held *Tenura Bondagii*, — *& omnes illi qui tenentur in Bondagii tenura solebant vocari Customarii.* *MS. de Consuetud. man. de Sutton-Colfeild de Anno 3. Edw. 2.* See *Windas* and *Copihold*.

**Custos Brevium**, Is an Officer belonging to the Court of *Common Pleas*, and made by the Kings Letters Patent, whose Office is to receive and keep all the Writs returnable in that Court, and put them upon Files, every return by it self, and to receive of the Prothonotaries all the Records of *Nisi Prius*, called the *Postea's*. For they are first brought in by the Clerks of the Assise of every Circuit to the Prothonotary, who entered the issue in that matter, to enter the Judgment. And four days after the return thereof, (which is allowed to speak in Arrest of Judgment,) the Prothonotary enters the Verdict and Judgment thereupon, into the Rolls of the Court, and afterwards delivers them over to the Custos Brevium, who binds them into a bundle, and makes entry also of the Writs of Covenant, and the Concord upon every Fine; and maketh forth Exemplifications, and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines, after they are engrossed, are thus divided between the Custos Brevium, and the Chirographer; this always keeps the Writ of Covenant, and the Note; the other keeps the Concord, and the Foot of the Fine, upon which Foot, the Chirographer causeth the Proclamation to be endorsed, when they are proclaimed. In the Court of Kings Bench there is likewise a Custos Brevium & Rotulorum, who fileth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth or maketh out the Records of *Nisi Prius*, &c.

**Custos placitorum Coronæ**, (*Bracton, lib. 2. cap. 5.*) Seems to be all one with him, whom we now call *Custos Rotulorum*. Of which I find mention in the Writ *De Odio & avia. Reg. of Writs, fol. 133. b.*

**Custos Rotulorum**, Is he, who hath the custody of the *Rolls* or Records of the Sessions of Peace, and of the Commission of the Peace it self. He is always a Justice of Peace and *Quorum*, in the County, where he hath his Office; and, by his Office, he is rather termed an Officer or Minister, than a Judge; because the Commission of the Peace, by express words, lays this special charge upon him, *Quod ad dies & loca prædicta, Brevia, Præcepta, Processus & Indictamenta prædicta coram te & dictis sociis tuis venire facias*. Lamb. Eiren. lib. 4. cap. 3. p. 373. where you may read more touching this Office. Who shall appoint the *Custos Rotulorum* in every County, See 37 Hen. 8. cap. 1. and 3 & 4 E. 6. cap. 1. 2. *hist.* fol. 674.

**Custos of the Spiritualities**, (*Custos spiritualitatis vel spiritualium*.) Is he that exerciseth the Spiritual or Ecclesiastical Jurisdiction of any Diocese, during the vacancy of the See; the appointment of whom, by the Canon Law, appertains to the Dean and Chapter. But with us in England, to the Archbishop of the Province by Prescription. Howbeit, divers Deans and Chapters (if *Gwin* say true in his Preface to his Readings,) challenge this by ancient Charters from the Kings of this Land.

**Custos treugarum**, Keeper of the Truce. Edward the Third constituted by Commission two Keepers of the Truce between him and the King of Scots, with *Nos volentes Treugam fræe sufferentiam prædictam quantum ad nos pertinet observari*, &c. Rot. Scotiæ 10 Edw. 3. m. 36. *intus*.

**Custos Signorum Regis**. See *Kings Swanhæard*.

**Cyppus**. *Et debent habere amerciamenta de expeditatione canum, mel & mices & Cyppos per totam Forestam*. — Ryleys Pla. Parl. fol. 652. La Fresne, in his new Glossarium, says it signifies rete, a Net; but quere.

**Cyricþycc**, (Sax.) Irruptio in Ecclesiam LL. Eccl. Cambræ Regis.

**Cyricsecat**, (Sax.) Vestigal Ecclesie, Ecclesie census. *Primitias seminum quisque ex eo dato Dominicilio; in quo ipso natali die Domini commoratur*. Spelm. de Concil. vol. 1. fol. 563. See *Chuncheffer*.

## D.

**Dakir**. According to the Stat. 51 Hen. 3. De Compositione ponderum & Mensurarum, A Last of Hides consists of Twenty *Dakirs*, and every *Dakir* of Ten Hides. But by 1 Jac. cap. 33. one Last of Hides or Skins is Twelve Dozen. See *Dicker*.

**Damage**, (Lat. *Damnatio*, Fr. *Domage*.) Signifies generally any hurt or hindrance that a Man receives in his Estate, but particularly, a part of that the Jurors are to enquire of, when the Action (be it real or personal) passeth for the Plaintiff. For after Verdict given of the principal Cause, they are asked their Consciences

touching *Costs* (which are the charges of Sute, called by the *Civilians Expense litis*) and *Damages*, which comprehend a recompence for what the Plaintiff or Demandant hath suffered, by means of the wrong done him by the Defendant or Tenant. *Coke on Littl. fol. 257.*

**Damage Cler**, (*Damna Clericorum*.) Is now assessed by the Tenth part, in the *Common Pleas*, and the Twentieth part in the *Kings Bench* and *Exchequer*, of all *Damages*, (exceeding Five Marks,) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the Case, Covenant, Trespass, Battery, False Imprisonment, Dower, and all others, wherein the *Damages* are incertain, which the Plaintiff must pay to the Prothonotary or chief Officer of that Court, wherein they are recovered, before he shall have any Execution for them. For Example, If one lends another on his Word, or Note under Hand, One Hundred Pound, or sells Commodity to that value; the Lender or Seller is forced to sue in an Action of the Case, recovers, must pay Ten Pound, if in the *Common Pleas*, and Five Pound in the *Kings Bench* or *Exchequer*, (and so proportionably for a greater or lesser Sum,) before he can have Execution. This was originally no other than a Gratuity given the Prothonotaries, and their Clerks, for drawing special Writs and Pleadings, which afterwards grew to a certainty, and was not, as some have fancied, antiently, a Tenth part of the *Damages* recovered; For it doth appear by ancient Records, that it hath been at an incertain rate, sometimes a Sixth, and at other times a Third part. This, by Act of Parliament, 17 Car. 2. cap. 6. is taken away from and after the 29 of September, 1672. And till that time, and no longer, *Damage Cler* shall be paid out of such Monies only, as shall be actually levied; or otherwise paid by the Defendants, and only for the proportion of the Money which shall be so levied or paid, and no more, or otherwise.

**Damage Fesant**; (Fr. *Dammage Faisant*, i. Doing hurt or damage.) As when a Strangers Beasts are doing hurt, or spoil in the Grass, Corn, Woods, &c. of another Man, without his leave or licence. In which case, the party, whom they damage, may therefore take, distrain, and impound them, as well in the night as day. But in other cases, as for Rent, Services, and such like, none may distrain in the night, *Stat. De Distractione Scaccarii, Anno 51 Hen. 3.*

**Danegelt**, or *Dane-geld*, (Zeit in Dutch signifies Money.) Was a Tribute laid upon our Ancestors of 1 s. after of 2 s. for every Hide of Land, through the Realm, for clearing the Seas of Danish Pyrats, which heretofore greatly annoyed our Coasts. *Camd. Britan. 142.* King *Etheldred*, being much distressed by the continual Invasion of the *Danes*, to procure his Peace, was compelled to charge his People with heavy Payments, called also *Danegelt*. As First, he paid 10000 l. then 16000 l. then 24000 l. after that 36000 l. and lastly 48000 l. to the *Danes*. This



**Danegelt** was Released by St. Edward the Confessor, but levied again by William the First and Second: Released by Henry the First, and finally by King Stephen. See *Hoveden par. post. Annal. fol. 344. a. Spelman's Glossarium*, and *Seldens Mare clausum, fol. 196.* — *Et sint quieti de Lene, Danegeld & Gaywithinte & de omnibus aliis consuetudinibus, &c. Carta Hen. 7. Ballivis & Burgens. Mountgomer.*

**Danelage.** See *Merchenlage.*

**Dare ad remanentiam,** (*Glarvil, lib. 7. cap. 1.*) To give away in Fee, or for ever. See *Remainder.*

**Darreiu,** Is a Corruption from the French *Dernier, i. Ultimus*; and we use it in the same sense, as

**Darreiu Continuance.** See *Continuance.*

**Darreiu Presentment,** (*ultima Presentatio.*) See *Affise of Darrein Presentment.*

**Datife, or Datife,** (*Dativus.*) That may be given or disposed of. Whether a Prior shall be *Datife*, and removable, or perpetual, shall be cryed by the Ordinary. *Anno 9 Rich. 2. cap. 4. Si Prior Datife & removable suffer escape, respondeat superior. 45 Ed. 3. 9. 10.*

**Davata terra,** A Portion of Land in Scotland, so called; *Apud priscos Scotos, one Dawach of Land, quod continet quatuor Aratra terræ, quorum unumquodque trahitur octo bobus.* Skene.

**Day,** (*Dies.*) Is sometimes used for the Day of Appearance in Court, either Originally, or upon Assignment; and, sometimes for the Returns of Writs. For example, *Days in Bank* are Days set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall Appear upon the Writ serv'd; for which, you may read the Statutes 51 H. 3. cap. 1 & 2. — *Marlb. cap. 12.* and the Statute of *Anno Bissextili, 21 Hen. 3.* and lastly, 32 Hen. 8. cap. 21. To be dismissed without Day, is to be finally discharged the Court. He had a Day by the Roll; that is, he had a Day of Appearance Assigned him. *Kitchin, fol. 193 & 197. Day, Year, and Wast.* See *Year, Day, and Wast.* And see *Dies.*

**Days of Pardon,** in the Exchequer. See *Remembrancer.*

**Deadly Feud,** (*Fenda & Faida.*) Is a Profession of an Irreconcilable Enmity, till we are revenged even by the death of our Enemy. It is deduced from the German word (*Feud.*) which, as *Hottoman, (in verbis Feudalibus,*) saith, *Modo bellum, modo capitales inimicitias significat.* It is used *Anno 43 Eliz. cap. 13.*

**Dead Pledge,** (*mortuum vadium.*) See *Mortgage.*

**De-afforested,** That is discharged from being Forest; or, that is freed and exempted from the Forest-Laws. *Anno 17 Car. 1. cap. 16.*

*Johannes Dei Gratia, &c. Archiepiscopus, Episcopus, &c. Sciatis nos omnino Deafforestasse Forestam de Brewood de omnibus que ad Forestam & Forestarios pertinent. Quare volumus & firmiter precipimus quod prædicta Foresta & homines in illa manentes & heredes eorum sint Deafforestati*

*imperpetuum, &c. Dat. apud Brug. 13 Martii Anno regni nostri 5.*

**Dean,** (*Gr. Δευτέρω à δέξ, decem.*) Is an Ecclesiastical Magistrate or Dignitary, so called, because he presides over Ten Canons or Prebendaries at the least. We call him a Dean that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral Church; and, the rest of the Society or Corporation we call *Capitulum*, the Chapter. But, how diversly this word is used, read *Lindwood, Tit. de Constitut. cap. 1. verbo, Decani Rurales*; where *Rural Deans* are said to be certain persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes near adjoining, assigned them by the Bishop and Arch-Deacon, being placed and displaced by them: Such are the Dean of *Croyden* in *Surrey*, Dean of *Battel* in *Kent*, &c.

As there are two Foundations of Cathedral Churches in England, the old and the new, (the new are those which Henry the Eighth upon Suppression of Abbies transformed from Abbat, or Prior and Convent, to Dean and Chapter,) so are there two means of Creating these Deans: For, those of the Old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Compte d'Esire* to the Chapter, the Chapter then choosing, the King yielding His Royal Assent, and the Bishop Confirming him, and giving his Mandate to enstall him. Those of the New Foundation are by a shorter course Enstalled, by Virtue of the Kings Letters-Patent, without either Election or Confirmation. This word is also applied to divers that are the chief of certain peculiar Churches or Chapels, as the Dean of the Kings Chapel, the Dean of the Arches, the Dean of St. Georges Chapel in Windsor, &c. *Nec Colligio alicui præfati, nec jurisdictione ulla donati, nomine tamen velut honoris gratia insignes,* says *Spelman.*

**De bene esse,** Are three common Latin words, their signification conceiv'd to be thus; To take or do any thing *De bene esse*, is to accept or allow it, as well done for present; but, when it comes to be more fully examin'd or try'd, to stand or fall, to be allowed or disallowed, according to the Merit or Well-being of the thing in its own nature; or (as we say) *Valeat quantum valere potest*: So in Chancery, upon motion to have one of the less-principal Defendants in a Case, examin'd as a Witness, the Court (not then thoroughly examining the justice of it, or not hearing what may be objected on the other side) often orders such a Defendant to be examined *de bene esse, i.* That his Depositions shall be allowed or suppressed at the Hearing of the Cause, upon the full debate of the Matter, as the Court shall then think fit, but for the present they have a *well-being*, or conditional-allowance. It is used in *Langhams Case, Croke, 3 Part. fol. 68.*

**Deventur,** Was by a *Rump-Act* in 1649, ordained to be in the nature of a Bond or Bill, to charge the Commonwealth (forsooth) to pay the Soldier-Creditor, or his Assigns, the Sum due upon

upon Auditing the Account of his Arrears. The Form of which *Debentur*, as then used, you may see in *Scobels Rump-Acts Anno 1649, cap. 63.* The word is also mention'd in the Act of Oblivion, 12 Car. 2. cap. 8. Sect. 7. and is used in the Exchequer. See *Auditor of the Receipts.*

**Debet & solet**, Are Latin Words, often used in our Law-Writers. In old *Nat. Br. fol. 98.* it is said, The Writ *De secta molendini*, being in the *debet* and *solet*, is a Writ of Right, &c. And again, *fol. 69.* A Writ of *quod permittat* may be pleaded in the County before the Sheriff; and, it may be in the *debet*, and *solet*, or in the *debet*, without the *solet*, according as the Demandant Claims. Wherefore note, that those Writs which are in this sort brought, have these Words in them as Formal Words, not to be omitted. And, according to the diversity of the Case, both *debet* and *solet* are used, or *debet* alone; That is, if a Man sue to recover any Right, whereof his Ancestor was disseis'd by the Tenant or his Ancestor, then he useth only the Word *debet* in his Writ; because *solet* is not fit, by reason his Ancestor was disseis'd and the Custom discontinued: But, if he sue for any thing that is now first of all deny'd him, then he useth both these Words; because his Ancestors before him, and he himself usually enjoyed the thing sued for, as Suit to a Mill, or Common of Pasture, until this present refusal of the Tenant. The like may be said of *debet* and *detinet*, as appears by the Reg. in the Writ *De debito*, *fol. 140. d.*

**Debito**, or *De debito*, Is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any thing sold him, *Fitz. Nat. Br. fol. 119.* This Writ is made sometime in the *detinet*, and not in the *debet*, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay, *Old Nat. Br. fol. 75.* See *Debet* and *solet*.

**Decem tales**. See *Tales*.

**Deceit**, (*Deceptio, dolus*,) Is a Subtile, wily Shift, or Trick; whereunto may be drawn all manner of Craft, Sability, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to Deceive another Man by any means; which hath no other more proper or particular Name than *Deceit*, or Offence. *West. pag. 2. Symbol. tit. Inditements. Sect. 68.* See *Cosening*, and *New Book of Entries, verbo Disceit*.

**Decenna**, and } See *Deciners.*  
**Decenniers**.

**Decennary**, (*Decennaria*,) The Limits or Compaſs of Ten Friburghs. See *Deciners*.

**Deceptione**, Is a Writ that lies properly for one that receives harm or damage by him, that does any thing deceitfully in the Name of another. (*Fitz. Nat. Br. fol. 95.*) And is either *Original*, or *Judicial*, as appears by *Old Nat. Br. fol. 50.* where you may read the use of both. See *Reg. of Writs, fol. 112.* and *Reg. Judicial* in the Table, *verbo, Deceptione*.

**Decies tantum**, Is a Writ that lies against a Juror, who hath taken Money for giving his Verdict, called so of the effect; because it is to recover ten times so much as he took. It lies also against Embracers that procure such an Enquest. *Anno 38 Ed. 3. cap. 13. Reg. of Writs, fol. 188. Fitz. Nat. Br. fol. 171. New Book of Entries, verbo, Decies tantum.*

**Decimation**, (*Decimatio*,) the punishing every tenth Souldier by Lot was termed *Decimatio Legionis*: Also a tithing, or paying the Tenth part. What *Decimation* was in the late Usurpers time, (1655.) will not easily be forgotten. See *Tenths*.

**Decimis solvendis pro possessionibus alienigenarum**, Is a Writ or Letters Patent, yet extant in the Register, which lay against those that had farmed the Priors aliens Lands of the King, for the Rector of the Parish, to recover his Tythe of them. *Reg. of Writs, fol. 179.*

**Deciners alias Decenniers**, alias *Dozeners*, (*Decenarii, Decarchi*,) Signifie, in the Antient Monuments of our Law, such as were wont to have the oversight and check of the Friburghs, for Maintenance of the Kings Peace; And, the limits, or compass of their Jurisdiction was call'd *Decenna*. *Bracton lib. 3. Tract. 2. cap. 15.* of whom you may also read *Fleta, lib. 1. cap. 27.* And *Reg. of Writs, fol. 98. b.* These seemed to have large Authority in the Saxons time, taking knowledge of Causes within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the Laws of King Edward the Confessor, published by Lambert, Numb. 32. In later times I find mention of them, as in *Britton cap. 12.* who says, in the Kings Person, (for so he Writes his whole Book,) *We will, that all those who are 14 years old, shall make Oath, That they shall be sufficient and loyal to Us; and, neither be Felons, nor assenting to Felons: And, We will, That all Profess themselves to be of this or that Dozein, and make, or offer Surety of their Behaviour by these or those Doziners; except Religious Persons, Clerks, Knights Eldest Sons, and Women.* Yet, the same Author in his 29th Chap. says, all of 12 Years old and upwards are punishable for not coming to the Sheriffs Turn, except Earls, Prelates, Barons, Religious Persons and Women.

A *Dozein* seems now to extend so far, as every Leet extends; because in Leets only this Oath is Ministr'd by the Steward, and taken by such as are twelve years old and upwards, dwelling within the Precinct of the Leet, where they are sworn: *Fitz. Nat. Br. fol. 261. a.* The particulars of this Oath, you may read in *Bracton, lib. 3. tract. 2. cap. 1. num. 1.* who sets down Fifteen years for the Age of those that are to be sworn to the Kings Peace, but afterwards names Twelve years. See *Inlaugh*.

We may note out of the Premises, a diversity between the ancient and these modern times, in this Point of Law and Government, as well in the Age of those who are to be sworn,



as also that *Decemier* is not now used for the chief Man of a *Dozein*, but for him that is sworn to the Kings Peace; and lastly, That now there are no other *Dozeins* but *Leets*, that no Man ordinarily gives other security for keeping the Kings Peace, but his own Oath, and that therefore no Man answers for anothers transgression; but every Man for himself. See *Frank-pledge*, and 2 *Part. Inst. fol. 73.*

**Declaration**, (*Declaratio*.) Is properly the shewing forth, or laying down in writing the Cause of Action in any sute at Law, wherein the party supposes to have wrong. This, in an Action Real, is properly called a *Count*, which ought to contain *Demonstration*, *Declaration*, and *Conclusion*. In *Demonstration*, are contained three things, viz. Who complains, against whom, and for what matter: In the *Declaration* there ought to be comprised, how, and in what manner the Action rose between the parties, when, what day, year, and place, and to whom the Action shall be given. And in the *Conclusion* he ought to aver and proffer to prove his sute, and shew the damage he hath sustained by the wrong done him. *Terms de la Ley.*

**Decretals**, (*Decretales*.) Are a Volume of the Canon Law, so called; or Books containing the *Decrees* of sundry Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter, under one Head.

**Dedi** (as if it be said in a Feoffment, *I. S.* hath Given, granted, &c.) It is a Warranty in Law to the Feoffee, and his Heirs. *Coke on Littl. fol. 384. a.*

**Dedimus Potestatem**, Is a Writ whereby Commission is given to one or more private persons, for the speeding some Act appertaining to a Judge. The *Civilians* call it *Delegationem*. And it is granted most commonly upon suggestion, that the party, who is to do something before a Judge, or in a Court, is so weak, he cannot Travel. It is used in divers Cases, as to take a Personal Answer to a Bill in *Chancery*, to examine Witnesses in a Cause depending in that Court; to levy a Fine, &c. *West, part. 2. Symbol. tit. Fines, sect. 112.* and divers other, as you may see in *Fitz. Nat. Br.* and in the Table of the *Reg. of Writs, verbo, Dedimus Potestatem.*

**Deed**, (*Factum*.) Is an Instrument written in Parchment or Paper, consisting of three things, viz. *Writing*, *Sealing*, and *Delivery*, and comprehending a Contract or Bargain between party and party: Of which, there are two sorts, *Deeds Indented*, and *Deeds Poll*; which names arise, from the form or fashion of them, the one being cut in and out in the top or side, which we call *Indented*, the other being plain. A *Deed Indented*, is a Deed consisting of two parts, or more (for there are *Tripartite*, *Quadripartite*, and *Septempartite* Deeds, as that of *Henry the Seventh*, concerning his Royal Chapel at *Westminster*.) in which it is expressed, That the parties thereto, have to every part thereof interchangeably set their several Seals. The cause

of their *Indenting* is, that it may appear they belong to one business or contract, A *Deed Poll* or polled, (anciently called *Charta de una parte* or *Carta simplex*.) is a plain Deed without *Indenting*; and is used, when the Vendor for example only Seals, and there is no need of the Vendees Sealing a Counterpart, by reason the nature of the Contract is such, as it requires no Covenant from the Vendee; unless in such case the Vendor will, out of caution or curiosity, have a Counterpart, to see, upon any occasion, what Covenants himself hath given. See *Coke on Littl. fol. 35. b.*

**Dæmsters or Demsters**, (from the Saxon *dema*, i. a Judge or Umpire.) *All Controversies* (in the Isle of Man) are decided without Process, Writings; or any Charges, by certain Judges, whom they chuse from among themselves, and call *Dæmsters*. *Camd. Brit. tit. British Islands.*

**Dærfeld**, (Sax. *deoff, fera, & Falda, stabulum*.) *occurrit apud Ælfredum pro vivario cervino, vel sepimento quo includuntur damæ.* A Park.

**Dærways**, Are Engins or great Nets, made of Cords to catch Deer. *Anno 19 Hen. 7. cap. 11.*

**De essendo quietum de Tolonio**, Is a Writ that lies for those, who are by privilege freed from the payment of Toll, which read at large in *Fitz. Nat. Br. fol. 226.*

**De expensis militum**, Is a Writ commanding the Sheriff to levy Four Shillings *per diem*, for the Expences of a Knight of the Shire. And a like Writ *De expensis Civium & Burgesium*, to levy Two Shillings *per diem*, for every Citizen and Burges of Parliament, 4 *Inst. fol. 46.*

**De facto**, (*Anno 12 Car. 2. cap. 30.*) Which is actually done, done indeed.

**Default**, (Fr. *Defaut*.) Is an Offence in omitting that which we ought to do: Of this *Bracton* hath a whole Tract, *lib. 5. tract. 3.* By whom it appears, that *Default* is most notoriously taken for non-appearance in Court at a day assigned. Of this you may also read *Fleta, lib. 6. cap. 14.* and *Coke on Littl. fol. 259. b.*

**Deifeizance**, (of the Fr. *Deifaire*, i. to undo or defeat.) Signifies a Condition relating to a Deed, as to a Recognizance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The difference between a *Proviso* or Condition in a Deed, and a *Deifeizance*, is, That those are inserted in the Deed or Grant; this is usually in a Deed by it self. Of which you may read, *West at large, Par. 1. Symb. lib. 2. sect. 156.*

**Defend** (Fr. *Defendre*.) Signifies, in our ancient Laws and Statutes, to prohibit or forbid. As — *Uvarios defendit quoque Rex Edwardus, ne remanerent in Regno.* LL. Ed. Conf. cap. 37. & 5 *Rich. 2. cap. 7.* Of which Word, thus *Chaucer.*

Where can you say in any manner age,  
That ever God defended Marriage.

Defence

In 7 Edw. 1. we have a Statute, entituled, *Statutum de defensione portandi arma, &c.* And it is defended by Law to Distrain in the Highway. Coke on Littl. fol. 161.

**Defence**, —Rot. Parl. 21 Edw. 3. Cries and defence was made throughout England, that no person should— i. Proclamations and Prohibition. —*Salmones ponantur in defenso. Westm. 2. cap. 47. 1.* Salmones are by that Act prohibited to be taken at certain times therein mentioned. 2 Inst. 478.

To this day, in divers parts of England, we say, *God defend*, instead of *God forbid*. And the Fence Month is more truly called the Defence Month, i. the Forbidden Month. See Fence Month.

**Defendant**, (*Defendens*.) Is he that is sued in an *Action Personal*; as *Tenant* is he, who is sued in an *Action Real*. See *Impediens*.

**Defendimus**, Is a Word used in Feoffments and Donations, and hath this force, that it binds the Donor and his Heirs to defend the Donee; if any Man go about to lay any servitude on the thing given, other than is contained in the Donation. *Bracton. lib. 2. cap. 16. num. 10.* See *Warranty*.

**Defender of the Faith**, (*Defensor Fidei*.) Is a peculiar Title given to the Kings of England by the Pope, as *Catholicus* to the King of Spain, *Christianissimus* to the King of France, and *Advocatus Ecclesie* to the Emperor: Which Title was given by Pope Leo the Tenth to King Henry the Eighth, for Writing against Martin Luther, in behalf of the Church of Rome, and the Bull for it bears date *Quinto Idus Octobr. 1521.* which may be seen at length in the Lord Herberts History of Henry the Eighth, fol. 105.

**Defendere unica manu**, To wage Law, by denying the Accusation upon Oath: —*Et si forte forisfactor ille factum negaverit, & forestarius solus sit sine teste, ille debet se defendere unica manu ad unicam vocem rationabili die data in Curia Abbatis, & si unicum testem vel plures habuerit, debet se defendere sexta manu, &c.* Carta, facta inter W. de Bray Mil. & Abb. & Convent. de Oseneby sine Dat. See *Manus*.

**Deforcement**, (*Deforciamentum*.) *Matth. Paris, fol. 422.* Quicumque deforcierit eis dotem, & de ipso deforcamento convicti fuerit. id est, Per vim abstulerit. A withholding Lands or Tenements by force from the right owner. See *Deforceor*, and *Coke on Littl. fol. 331. b.*

**Deforciant**, (*Anno 23 Eliz. cap. 3.*) The same with *Deforceor*.

**Deforceor**, (*Deforciator*, of the Fr. *Forceur*, i. *expugnator*.) Is one that overcomes and casts out by force, and differs from *Disseisor*: First, in this, because a Man may disseise another without force, which is called *Simple Disseisin*. *Britton. cap. 53.* Next, because a Man may deforce another that never was in possession. For example, if more have right to Lands, as Common Heirs, and one entering, keeps out the rest, the Law says, He deforceth, not disseises them. *Old Nat. Br. fol. 118.* And *Littleton*,

(*cap. Discontinuance, fol. 217.*) says, He who is infeoffed by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion being dead, doth only deforce him, because he entered, when the Tenant in Tail was living, and the Heir had no present right. A *Deforceor* differs from an *Intruder*, because a Man is made an *Intruder* by a wrongful entry only into Land, void of a Possessor; And a *Deforceor* is he that holds out the right Heir, as above said. *Bracton, lib. 4. cap. 1.*

**Degrading**. See *Disgrading*.

**Delegates**, (*Anno 25 Hen. 8. cap. 19.*) Are Commissioners so called, because delegated or appointed by the Kings Commission under the Great Seal, to sit upon an Appeal to the King in the Court of Chancery in three Cases.

First, When a Sentence is given in any Ecclesiastical Cause, by the Archbishop, or his Official.

Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt.

Thirdly, When a Sentence is given in the Admiral Court, in Sutes, Civil and Marine, by order of the Civil Law. 4 Part. Inst. fol. 339. *Anno 8 Eliz. cap. 5.*

**Deliverance**. See *Replegiare*.

**Delf**, (from the Sax. *delfan*. to dig or delve.) Is a Quarry or Mine, where Stone or Coal is dug. *Anno 31 Eliz. cap. 7.* And in a Charter of Edward the Fourth, there is mention of a Mine or Delf of Copper. *Camd.*

**Demain**, (*Dominicum. Gallis, Domanium. Italis, Demanium.*) *Accipitur multipliciter* (says *Bracton*.) *Est autem Dominicum, quod quis habet ad mensam suam & propriè, sicut sunt Bordlands, Anglice, i. Dominicum ad mensam.* Item dicitur *Dominicum, Villenagium quod traditur villanis, quod quis tempestivè & intempestivè resumere possit pro voluntate sua & revocare.* *Lib. 4. tract. 3. cap. 9. num. 5.* *Demains* (according to common speech) are the Lords chief Mannor place, with the Lands thereto belonging, which he and his Ancestors have from time to time kept in their own Manual occupation; howbeit (according to Law) all the parts of a Mannor, (except what is in the hands of Freeholders,) are said to be *Demains*. And the reason why Copihold is accounted *Demain*, is because Copiholders are adjudged in Law to have no other estate, but at the will of the Lord; so that it is still reputed to be in a manner in the Lords Hands.

*Demain*, is sometimes used in a more special signification, as opposite to *Frank-fee*: For example, those Lands which were in the possession of King Edward the Confessor, are called *Ancient Demains*, and all others *Frank-fee*; and the Tenants which hold any of those Lands are called *Tenants in Ancient Demain*; the others, *Tenants in Frank-fee*. *Kitchin, fol. 98.* See *Spelman, verbo, Dominicum*; where he does not allow this word to be written *Demean* or *Demeasn*, but *Demain* only.



**Demand**, (Fr. *Demande*, i. *postulatio*.) Signifies a calling upon a Man for any thing due. It hath also a proper signification, distinguished from *Plaint*: For all Civil Actions are pursued, either by *Demands* or *Plaints*; and the pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in Actions Real, and *Plaintiff* in Personal. And where the Party pursuing is called *Demandant*, the party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*. If a Man release to another all *Demands*, this is the best Release the Releasee can have, and shall enure most to his advantage. *Littl. fol. 117. a.* There are two manner of *Demands*, the one in Deed, the other in Law: In Deed, as in every *Præcipe*, there is express *Demand*: In Law, as every Entry in Land, Distress for Rent, taking or leasing of Goods, and such like Acts, which may be done without any Words, are *Demands* in Law.

As a Release of Sutes is more large than of Quarrels or Actions; so a Release of *Demands* is more large and beneficial, than either of them. By Release of all *Demands*, all Executions, and all Freeholds and Inheritances executory are released; By Release of all *Demands* to the Disfeisor, the right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demands*, excludes himself from all Actions, Entries, and Seisures; but a Release of all *Demands*, is no Bar in a Writ of Error to Reverse an Outlary. *Coke, lib. 8. fol. 153, 154.*

**Demain** Cart of an Abbot, Seems to be that Cart, which the Abbat used upon his own *Demain*. *Anno 6 Hen. 3. cap. 21.*

**Demandant** (*Petens*.) Is he, who is Actor or Plaintiff in a Real Action, because he demandeth Lands, &c. *Coke on Littl. fol. 127. b.* See *Demand*.

**Demi-haque**. See *Haque* and *Haquebur*.

**Demise**, (*Dimissio*.) Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs. 2 *Part. Inst. fol. 483.* The Kings death is in Law, termed the *Demise of the King*.

**Demisters**. See *Deemsters*.

**Demurrer**, (from the Fr. *Demeurer*, i. *manere in aliquo loco, vel morari*.) Is a kind of pause or stop put to the proceedings of any Action upon a point of difficulty, which must be determined by the Court, before any further proceedings can be had therein: For in every Action, the Controversie consists, either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just doubt. We call that plain to the Judge, wherein he is assured of the Law; though perhaps the party and his Council yield not to it: And in such case, the Judge with his Associates proceed to Judgment, without more ado; but when it is doubtful, then stay is made, and a time taken, either for the Court to consider further of it, and agree if they can; or else,

for all the Judges, to meet together in the *Exchequer Chamber*, and upon hearing what the Serjeants can say on both sides, to determine what is Law, And whatsoever they conclude, stands firm without further Appeal. *Smith de Repub. Angl. lib. 2. cap. 13.* This *Demurrer* is in our Records expressed in Latin by *Moratur in Lege*. At the Common Law, the Defendant sometimes *demurreth* to the Plaintiffs Count or Declaration, and sometimes the Plaintiff *demurs* to the Defendants Plea, by averring, That it is not a sufficient Plea in the Law, &c. In Chancery, the Defendant *demurs* to the Plaintiffs Bill, averring it to be defective in such, or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereunto, &c. See *Moratur in Lege*.

**Denariata terra**. See *Fardingdeal of Land*.

**Denariatus**, *Precium rei qua Denario constat*; *Mercis, redditus, terræ. Sci. ant. quod ego Willielmus filius Philippi de Colewal Dedi Egidio de la Berne de Hereford pro quadam summa pecunie*—*Octo Denariatos annui redditus, &c. Sine dat.*

**Denarius Dei**, earnest Money, —*Ita quod neuter mercatorum ab illo contractu possit discedere vel resiliere, postquam Denarius Dei inter principales personas contrahentes datus fuerit & receptus.* *Carta 31 Ed. 1. m. 4.* See *Argentum Dei*.

**Denelage or Danelage**, (From the Sax. *dane* and *laſa*, *lex*.) Is the Law the *Danes* made here in England. See *Merchenlage*.

**Denizen**, (Fr. *Donaison*, i. *Donatio*.) Signifies an Alien that is enfranchised here in England, by the Kings Charter and Donation, and enabled in many respects, to do, as the Kings Native Subjects do, namely, to purchase and possess Lands, to be capable of any Office or Dignity. Yet is it short of *Naturalization*; because a stranger *naturalized* may inherit Lands by descent, which a *Denizen* cannot. And again in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one clause or other, that abridges him of that full benefit which natural subjects enjoy. And when a Man is thus enfranchised, he is said to be under the Kings Protection, or *Esse ad fidem Regis Angliæ*; before which time, he can enjoy nothing in England. *Bracton (lib. 3. tract. 5. cap. 25. num. 3.)* saith, That he and his goods might be seized to the Kings use. See *Horns Mirror, lib. 1. cap. de la Venue de Franc-plege*, and 2 *Part. Inst. fol. 741.*

**De non Residentia Clerici Regis**, Is an ancient Writ, the Form whereof see in 2 *Part. Inst. fol. 624.*

**Deodand**, (*Deodandum*.) Is a thing given or forfeited, as it were to God for the pacification of his Wrath, in a Case of Misadventure, whereby a Christian Soul comes to a violent end, without the fault of any reasonable Creature. As, if a Horse strike his Keeper and kill him: If a Man, in driving a Cart, falls so, as the

the Cart-wheel runs over him, and presses him to death: If one be felling a Tree, and gives warning to the standers by, to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart, and Horses; and in the third, the Tree is to be given to God, that is, to be sold and distributed to the Poor, by the Kings Almoner, for expiation of this dreadful event, though effected by unreasonable, yea, senseless and dead creatures. *Stamf. Pl. Cor. lib. 1. cap. 2. Bracton, lib. 3. tract. 2. cap. 5.*

*Omnia que movent ad Mortem sunt Deodanda.*

What moves to Death, or kills the Dead; Is **Deodand**, and forfeited.

*Fleta* says, This **Deodand** is to be sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful people departed this life. *Lib. 1. cap. 25. De Submersis.* Which Law seems to bear an imitation of that in *Exodus, cap. 21. Si cornu perierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This word is mentioned in the Stat. *De Officio Coronatoris, Anno 4 Edw. 1. See 3 Part. Inst. fol. 57.*

**Deoneranda pro rata portione**, Is a Writ that lies where one is distrained for a Rent, that ought to be paid by others proportionably with him. For example, a Man holds ten Oxgangs of Land, by Fealty, and ten Shillings Rent of the King, and aliens one Oxgang to one, and another to another in Fee: Afterward, the Sheriff or other Officer distrains only one of them for the Rent, he that is so distrained, may have this Writ for his relief. *Fitz. Nat. Br. fol. 234.*

**Depart**, or **Departure**, } Is a word properly applied to him, who, first pleading one thing in Bar of an Action, and being replied unto, does in his Rejoinder, wave that, and shew another matter contrary, or not pursuing his first Plea. *Plowden in Reneger and Fagossa, fol. 7. 8.* Or it may be applied to a Plaintiff, who in his Replication shews new matter from his Declaration. As in *Crokes 2 Part, Bagshaws Case, fol. 147.* The Defendant hereupon demurred, because it was a departure from the Declaration. So if a Man plead a General Agreement in Bar, and in his Rejoinder alledge a special one, this shall be adjudged a **Departure** in Pleading.

**Departure in despite of the Court**, Is when the Tenant or Defendant appears to the Action brought against him, and hath a day over in the same Term, or is called after, though he had no day given him, so it be in the same Term; if he do not appear, but make default, it is a **Departure in despite of the Court**, and therefore he shall be condemned; which depar-

ture is always of the part of the Tenant or Defendant, and the Entry of it is, *Quod predictus A, licet sollemniter exactus, non revenit, sed in contemptum Curie, recessit & defaultum fecit.* *Coke, lib. 8. fol. 62.*

**Departrers of Gold and Silver.** See **Finors.**

**Depopulation**, (*Depopulatio*.) A wasting, pilling, or destruction; a desolation, or unpeopling any place. *Cokes 12 Rep. fol. 30.*

**Depopulatores agrorum**, It appears by the Stat. 4 Hen. 4. cap. 2. that they were great Offenders by the ancient Law, and that the Appeal, or Indictment of them, ought not to be General, but in Special manner. They are called **Depopulatores Agrorum**, for that by prostrating or decaying the Houses or Habitation of the Kings people, they depopulate, that is, dispeople the Towns. 3 Part. Inst. fol. 204.

**Deposition**, (*Depositio*.) Is the Testimony of a Witness, otherwise called a **Deponent**, put down in writing by way of answer to Interrogatories, exhibited to that purpose in Chancery, &c. And when such Witness is examined in open Court, he is said to be examined *Viva voce*. **Deposition** is also used for death; as in *Provin. Angl. lib. 2. tit. De feriis. Ordinamus quod Festum Depositionis Sancti Johannis de Beverlaco, 7 die Maii, per Provinciam nostram antedictam perpetuis temporibus celebretur.*

**Deprivation**, (*Deprivatio*.) A depriving, bereaving, or taking away. — Which the laws of deprivation of all the Spiritual Promotions, whereof, &c. Anno 2 & 3 Edw. 6. cap. 20. **Deprivation** of Bishops and Deans. Anno 39 Eliz. cap. 8.

**Deprivatio à Beneficio**, Is when for some great Crime a Minister is wholly, and for ever, deprived of his Living.

**Deprivatio ab Officio**, Is when a Minister is for ever deprived of his Orders, which is also called *depositio* or *degradatio*, and is commonly for some heinous Crime, meriting Death, and performed by the Bishop in a solemn manner.

**De quibus sur Disseisin**, Is a Writ of Entry. See *Fitz. Nat. Br. fol. 191.*

**De Revocatione Parliamenti**, Is a Writ for recalling a Parliament, as in 5 Edw. 3. the Parliament, being summoned, was recalled by such a Writ, before it met. See *Prins Animad. on the 4 Inst. fol. 44.*

**Deraign** or **Dereyn**, (*Disfratione vel dirationare*.) Signifies generally, to prove, as *Dirationabit jus suum hæres propinquior.* *Glanvil. lib. 2. cap. 6.* And, *Dirationabit terram illam in Curia mea*, He proved that Land to be his own. *Idem, lib. 2. cap. 20.* *Bracton* uses it in the same sense, *Habeo sufficientem disfratiationem & probationem*, lib. 4. tract. 6. cap. 16. And so he useth *disfrationare*, lib. 4. cap. 22. And to *Dereyn* the Warranty, *Old Nat. Br. fol. 146.* To *Deraign* that right, 3 Edw. 1. cap. 4. And *Westm. 2. cap. 5.* When the Parson of any Church is disturbed to demand Tythes in the next Parish, by a Writ of *Indicavit*, the Patron shall have



have a Writ to demand the Advowson of the Tythes, being in demand, and when it is *Deraigned*, then shall the Plea pass in the *Court Christian*, as far forth as it is *Deraigned* in the Kings Court. In some places the Substantive *Dereignment* is used in the very literal signification with the French *Disfrayer* or *desfranger*, that is, turning out of course, displacing or setting out of order; as *Deraignment* or departure out of Religion, *Anno 31 Hen. 3. cap. 6.* and *5 & 6 Edw. 6. cap. 13.* And *Dereignment* or discharge of their profession, *33 Hen. 3. cap. 29.* Which is spoken of those Religious Men, who forsook their Orders and Professions. So *Kitchin, fol. 152.* The Lessee enters into Religion, and afterwards is *dereigned*. And *Britton, cap. 21.* hath these words, *Semounse desrenable*, for a Summons that may be challenged, as defective, or not lawfully made. Of this you may read something more in *Skene, verbo, Disfrationare*, where, in one signification, he confounds it with our waging and making of Law. See *Lex Deraignia*.

**Datent.** See *Discent*.

**De son tort demein,** (Fr. Rectius *demenece*, i. a Plot, Motion, or Enterprize.) Are words of Form, used in an Action of Trespas by way of Reply to the Defendants Plea. For example, *A. sues B. in such an Action. B. answers for himself, that he did that which A. calls a trespass, by the command of C. his Master; A. saith again, that B. did it, de son tort demesne, sans ceo que C. luy command, modo & forma*—That is, B. did it of his own wrong, without that that C. commanded him, in such form, &c.

**Datnet.** See *Debito* and *Debet* and *Solet*.

**Detinue,** (*detinendo*.) Is a Writ that lies against him, who, having Goods or Chattels delivered him to keep, refuses to re-deliver them. See *Fitz. Nat. Br. fol. 138.* To this is answerable in some sort *actio depositi* in the Civil Law. And he takes his Action of *Detinue*, who intends to recover the thing detained, and not the Damages sustained by the *Detinue*. *Kitchin, fol. 176.* See the *New Book of Entries, verbo, Detinue*.

**Devadiatus** — *Si homo in villa delinquit & devadiatus evadit, nil inde habet Præpositus Regis.* *Domesday, tit. Sudrie, i.* without Sureties or Pledges.

**Devastaverunt bona Testatoris,** Is a Writ lying against Executors, for paying Legacies and Debts without Specialties, to the prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due; for in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own use; and are compellable to pay such Debts by Specialty out of their own Goods, to the value of what they so paid illegally. For the orderly payment of Debts and Legacies by Executors, so as to escape a *Devastation* or charging their own Goods, See the *Office of Executors, cap. 12.*

**Devenerunt,** (*lat.*) Is a Writ heretofore

directed to the Escheator, when any Tenant of the King, holding in *Capite*, died; and when his Son and Heir, within age, and in the Kings custody, died; then this Writ went forth, commanding the Escheator, that he, by the Oath of good and lawful Men, enquire what Lands and Tenements, by the death of the Tenant, came to the King. See *Dyer, fol. 360. Pl. 4.* and *Keilways Rep. fol. 199. a.* Though this Writ, in the sense above said, be disused, yet a new use of it is prescribed by Act of Parliament, *14 Car. 2. cap. 11.* Entituled, *An Act for preventing frauds, and regulating abuses in His Majesties Customs.*

**Deveit,** (*Devestire*.) Is contrary to *Invest*; for, as *Invest* signifies to deliver the possession of any thing; so *Deveit* signifies the taking it away.

**Devise, or Divise,** (from the French, *Deviser*, to divide, or sort into several parcels.) Is properly that act, by which a Testator gives, or bequeaths his Lands or Goods, by his last Will in Writing. He who makes the *Devise* is called the *Devisor*; and he to whom the *Devise* is made, the *Devisee*. The words of a Will the Law interprets in a large and more favourable sense than those of a Deed: For, if Land be *Devised* to a Man, to have to him for ever, or to have to him and his Assigns; in these two Cases the *Devisee* shall have a Fee simple; but, given in the same manner by Feoffment, he has but an Estate for Life. So, if one *Devise* Land to an Infant in his Mothers Heir, it is a good *Devise*; but, 'tis otherwise by Feoffment, Grant or Gift, for in those Cases, there ought to be one of ability, to take presently, otherwise it is void. *14 Eliz. Dyer. 304.* and *Coke on Littl. fol. 111.*

**Devoires of Caleis,** (*Anno 2 Rich. 2. Stat. 1. cap. 3.*) Were the Customes due to the King, for Merchandise brought to, or carried out of *Caleis*, when our Staple was there. — **Paying their Customes and Devoyres to the King.** *Anno 34 Ed. 3. cap. 18.* *Devoire* in French, signifies Duty.

**Devoice.** See *Divorce*.

**Detrarius,** *Willielmus de Braosa dedit Regi tres dextrarios, quinque Chacivos & 24 Sensas, pro habenda seisinâ Castrorum de Grosmunt, Skene-frith & Llantelie.* *Rot. Cart. in Tur. London. de Anno 7 Joh. n. 38.* That is, three Light Horses, or, Horses for the Great Saddle; from the Fr. *Destrier*, which signifies a Horse for Service.

**Dicam de Benetworth,** Was an Edict or Award, between King Henry the Third and all those Barons and others, who had been in Arms against him; and so called, because it was made at *Kenelworth-Castle* in *Warwickshire*. *Anno 51 Hen. 3.* containing a composition of Five years Rent, for the Lands and Estates of those who had forfeited them in that Rebellion.

**Dicker or Dicre of Leather,** Is a quantity consisting of Ten Hides; The Word probably comes from the Greek, *δύος*, which signifies Ten. *Civitas Gloucestre reddebat xxxvi Dicras ferri.*

*ferri.* Domesday, *i.* 36 Dickers of Iron, Ten Bars to the Dicker.

**Dicem clausit extremum,** Was a Writ that Issued out of the Chancery, to the Escheator of the County, upon the death of any of the Kings Tenants in *Capite*, to inquire by a Jury, of what Lands he died seised, and of what value, and who, next Heir to him. *Fitz. Nat. Br. fol. 251.*

**Dies,** In the Common-Law there are *Dies juridici*, & *Dies non juridici.* *Dies juridici*, are all Days in Court wherein Justice is administered. *Dies non juridici* or *nefasti*, are all Sundays in the Year; and, in Easter-Term, the Feast of the Ascension of our Lord; in Trinity-Term, the Nativity of St. John Baptist; in Michaelmas-Term, the Feasts of All Saints, and All Souls; and, in Hillary-Term, the Purification of the Blessed Virgin Mary. And this was the Ancient Law of England, and extends not only to Legal Proceedings, but to Contracts. 2 Part. *Inst. fol. 264.*

**Dies datus,** Is a Day, or time of Respite given to the Tenant or Defendant by the Court. *Brooke, tit. Continuance.*

**Dignitaries,** (*dignitarii*,) Are those who are advanced to the Ecclesiastical Dignity of Dean, Archdeacon, Prebendary, &c. See 3 Part. *Inst. fol. 155.*

**Dicta rationabilis,** Is in *Bracton* used for a reasonable Days Journey. *Lib. 3. Tract. 2. cap. 16.*

**Dignity Ecclesiastical,** (*Dignitas Ecclesiastica*,) Is mentioned in the Stat. 26 Hen. 8. cap. 31 & 32 *eiusdem*, cap. 19. And is by the Canonists defin'd to be, *Administratio cum jurisdictione & potestate aliqua conjuncta*; whereof you may read divers examples in *Duarenus, de Sacris Eccles. Ministris & Beneficiis*, lib. 2. cap. 6. Of Dignities and Prebends *Cam. reckons in England* 544. *Britan. pag. 161.*

**Dilapidation,** (*dilapidatio*,) A wastful spending, or destroying; or the letting Buildings run to ruine and decay for want of due reparation. Anno 13 Eliz. cap. 10. Money recover'd for Dilapidations shall be employ'd in repair of the same Houses. Anno 14 Eliz. cap. 11.

**Dimidietas,** The one half. *Sciatis—quod ego Matilda filia Willielmi le Franceys dedi—Waltero de Stetron dimidietatem illius Burgagii*, &c. sine dat. Ex libro Cart. Priorat. Leominstr.

**Diocesis;** (*Diocesis*, from the Greek *δια* and *οικονομια*,) signifies with us the Circuit of every Bishops Jurisdiction; for, this Realm hath two sorts of Divisions, one into Shires or Counties, in respect of Temporal Policy; another into *Diocesses*, in order to Jurisdiction Ecclesiastical; of which we reckon 22 in England, and four in Wales.

**Disability,** (*Disabilitas*,) Is, when a Man is disabled, or made incapable, to inherit or take that benefit which otherwise he might have done; which may happen four ways; by the act of the Parry, or his Ancestor; by the act of Law, or of God.

*Disability* by the Parties own act, is, If I bind my self, that upon surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion; In this case, though I afterwards repurchase the reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. *Coke, lib. 5. fol. 21.* Also if a Man be Excommunicated, he cannot, during that time, sue any Action, but shall be thereby disabled. *Coke, lib. 8. fol. 69.*

*Disability* by the act of an Ancestor, is, if a Man be attainted of Treason or Felony; by this Attainder, his Blood is corrupt, and both himself and Children disabled to inherit.

*Disability* by the act of Law is most properly, when a Man by the sole act of the Law is disabled; and so is an Alien born, who is disabled to take any benefit thereby.

*Disability* by the act of God, is, where a Man is not of whole Memory, which disables him so, that in all cases, where he passeth any Estate out of him, it may, after his death, be disannull'd; for it is a Maxim in Law, That a Man of full Age shall never be receiv'd to disable his own person. *Coke, lib. 4. fol. 123, 124.*

**Disalt,** Signifies as much as to disable. *Littleton* in his Chapter of Discontinuance.

**Disboscatio,** A turning Wood-ground into Arable or Pasture, an assarting. See *Assart*.

**Discharge,** (from *Dis* and *Cargo*,) *Et prædictus Prior carcare & disarcare facit ibidem Merchandisas & Denarratas quascumque*, &c. *Pla. Parl. 18 Edw. 1. To unload.*

**Discharge,** An unloading. *Ex Codice M. S. in Tur. Lond.*

**Disceit.** See Deceit and Deceptione.

**Discent,** (Latin, *Discensus*, French, *Descente*,) An order or means whereby Lands or Tenements are derived unto any Man from his Ancestors; As to make his descent from his Ancestors, (*Old Nat. Br. fol. 101.*) is to shew, how and by what particular degrees the Land in question came to him from his Ancestors. This Discent is either Lineal or Collateral; Lineal Discent is convey'd downward, in a right-line, from the Grandfather to the Father, and from the Father to the Son, and from the Son to the Nephew, &c. Collateral Discent springs out of the side of the whole Blood, as Grandfathers Brother, Fathers Brother, &c. If one die seised of Land, (in which another has right to enter,) and it descends to his Heir, such descent shall take away the others right of entry, and put him to his Action for recovery thereof. *Stat. 32 Hen. 8. cap. 33. Coke on Litt. fol. 237.*

**Disclaimer,** (from the French, *Clamer*, with the privative *Dis*,) Is a Plea containing an express denial, renouncing, or disclaiming. As, if the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord Avow, saying, That he holds of him, as of his Lord, and that he Distreyned for Rent not paid, or Service not perform'd; then the Tenant, denying to hold of such Lord, is said to Disclaim;



and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also a Man, denying himself to be of the Blood or Kindred of another in his Plea, is said to *Disclaim* his Blood. See *Coke on Littl. fol. 102.* and *Fitz. Nat. Br. fol. 197.* If a Man, Arraigned of Felony, *Disclaim* Goods; being cleared, he loseth them. See *Broke, and New Book of Entries, tit. Disclaimer: And Stamf. Pl. Cor. fol. 186.* In *Chancery*, if a Defendant by his Answer *Disclaim* the having any interest in the thing in question, this is also called a *Disclaimer*.

*Discontinuance, (Discontinuatio.)* Signifies an interruption, intermission, or breaking off; as *Discontinuance* of Possession, or of Process: The effect of *Discontinuance* of Possession is this, That a Man may not enter upon his own Land or Tenement alienated, whatsoever his right be to it, of his own self, or by his own authority, but must bring his Writ, and seek to recover Possession by Law: As if a Man alien the Lands he hath in right of his Wife, or if Tenant in Tail make any Feoffment, or Lease for Life, not warranted by the Stat. 32 Hen. 8. by Fine, or Livery of Seizin, such Alienations are called *Discontinuances*; which are indeed impediments to an Entry, whereby the true owner is left only to his Action. See the *Institutes of the Common-Law, cap. 43.* and *Cokes Rep rrs, lib. 3. Case of Fines.*

The effect of *Discontinuance* of Plea, is, That the opportunity of Prosecution is lost, and not recoverable, but by beginning a new Sure; For to be *Discontinued*, and to be put without Day is all one, and nothing else but finally to be dismissed the Court for that instant. So *Crompton, in his Jurisdic. fol. 131.* useth it, in these Words, *If a Justice Seat be Discontinued, by the not coming of the Justices, the King may renew the same by His Writ, &c.* In this signification *Fitz.* (in his *Nat. Br.*) useth it divers times, as to *Discontinue* the right of his Wife, *fol. 191. L.* *Discontinuance* of an Action, *Discontinuance* of an Assize, *fol. 182. D. 187. B. Anno 31 Eliz. cap. 1.* — 12 Car. 2. cap. 4. and 14 ejusdem, cap. 10. *Coke on Littl. fol. 325.*

*Disfranchise, (14 Car. 2. cap. 31.)* To take away ones Freedom or Privilege; it is the contrary to *Enfranchise*, which vide.

*Disgracing or Degradating, (Degradatio.)* Is the punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the offence, whereof he was convicted by the Jury, and it is the privation or devesting of the Holy Orders which he had, as *Priesthood, Deaconship, &c.* *Stamf. Pl. Cor. fol. 130 & 138.* There is likewise the *Disgrading* of a Lord, Knight, &c. Sir Andrew Harcla, Earl of Carlisle, was convicted, degraded, and attainted of Treason, *Hill. 18 Edw. 2. Coram Rege, Rot. 34. 35.* When Judgment was pronounced against him, his Sword broken over his Head, and his Spurs hewn off his Heels, Sir Anthony Lucy, the Judge, said to him, *Andrew, now art thou no knight, but a knave.* And by the Stat. 13

Car. 2. cap. 15. *William Lord Monson, Sir Henry Mildmay, and others therein named, were degraded from all Titles of Honour, Dignities, and Preheminencies, and none of them to bear or use the Title of Lord, Knight, Esquire, or Gentleman, or any Coat of Arms for ever after, &c.* By the Canon Law there are two sorts of *degrading*, one *Summary*, by Word only; the other *Solemn*, by devesting the party degraded of those Ornaments and Rights, which are the Ensigns of his Order or Degree. See *Seldens Titles of Honours, fol. 787.*

*Disherison, (Fr. Desheritement.)* Is an old Word, signifying as much as *Disinheriting*. It is used in the Statute of *Vouchours*, made 20 Edw. 1. *Our Lord the King, considering his own damage and disherison of his Crown, &c.* And in 8 Rich. 2. cap. 4.

*Disheriton.* — The Sheriff shall forthwith be punished, as a Disheriton of our Lord the King, and his Crown. Anno 3 Edw. 1. cap. 39. One that disinheriteth, or puts another out of his inheritance.

*Dismes, (Decime)* Are Tythes, or the Tenth Part of all the Fruits, either of the Earth or Beasts, or our Labor, due to God; and consequently to him, who is of the Lords lot, and hath his share, viz. our Pastor. Also the Tenths of all Spiritual Livings, yearly given to the Prince, (called a *Perpetual Dism*, Anno 2 & 3 Edw. 6. cap. 35.) Which in ancient times were paid to the Pope, till he gave them to Richard the Second, to aid him against Charles the French King, and those others that upheld Clement the Seventh against him. *Pol. Virg. Hist. Angl. lib. 20.* Lastly, It signifies a tribute levied of the Temporality. *Holinshead in Hen. 2. fol. 111.*

*Disparagement, (Disparagatio.)* Was used especially for matching an Heir in Marriage under his or her degree, or against decency. See *Cowels Institutes, tit. De Nuptiis, sect. 6.* and *Coke on Littl. fol. 107. b.*

*Dispauper, (Dispauperatio.)* When any person by reason of his poverty, attested by his own Oath, of not being worth 5 l. his Debts being paid, is admitted to sue in *forma pauperis*; if afterwards, before the suit be ended, the same party have any Lands, or Personal Estate fallen to him, or that the Court, where the Suit depends, think fit, for that, or other reason, to take away that privilege from him, then he is said to be *dispaupered*, that is, put out of the capacity of suing in *Forma Pauperis*.

*Dirationate and Dirationare, (Fr. Desener.)* To justify or make good the denial of a Fact. *Est contrarium ratiocinando asserere, vel quod assertum est ratiocinando destruere.* We now call it *Traversare*, or *Traverse*. *Dirationare se*, has been used for, to clear ones self of a Crime. See *Gloss. in decem Scrip. And Diraign.*

*Disseisin, (Fr. Dissaisine, not from Disseisir, as Cowel mistakes it.)* Signifies an unlawful dispossessing a Man of his Land, Tenement, or other immovable or incorporeal right. And how

how far this extends, see *Bracton*, lib. 4. cap. 3. Therefore the Assises are called *Writs of Disseisin*, that lie against *Disseisors* in any Case, whereof some are termed little *Writs of Disseisin*, being *Vicounts*, that is, suable before the Sheriff in the County Court, because determined by him without Assise. *Reg. of Writs*, fol. 98. As, for Nuisances of no great prejudice.

*Disseisin* is of two sorts, either *Simple Disseisin*, committed by day without force and arms, (*Bracton*, lib. 4. cap. 4. *Britton*, cap. 42, 43, 44.) Or *Disseisin by Force*, for which see *Deforcœur* and *Fresh Disseisin*. See *Redisseisin* and *Post disseisin*. See *Skene*, verbo *Disseisina*. How many ways *Disseisin* is committed, see *Fleta*, lib. 4. cap. 1. *Sett. Fit autem*; and when it is lawful, cap. 2. Wrongful *Disseisin* is no descent in Law. 32 Hen. 8. cap. 33.

*Disseisor*, Is he that disseiseth or puts another out of his Land: And *Disseisee* is he that is so put out. *Anno 4 Hen. 4. cap. 7.*

*Disseisoreffe*, Is she that disseiseth another. *Coke on Littl.* fol. 357. b.

*Distress*, (Fr.) Signifies most commonly a Compulsion in certain Real Actions, whereby to cause a Man to appear in Court, or to pay Rent, or other duty denied; or it is the thing *distreined*. The effect whereof most commonly is, To compel the party *Distreined* to Replevy the *Distress*, and to take his Action of Trespass against the *Distreiner*, or else to compound Neighborly with him for the Debt or Duty, for which he *Distreins*. There are divers things not *distreinable*, as another Mans Gown in the the House of a Tailor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such things belong not to themselves, but to others. *Vitruul* is not *distreinable*, nor Corn in Sheaves, unless they be in a Cart: For a *Distress* ought to be of such things, whereof the Sheriff may make Replevin, and deliver again in as good Case, as they were at the time of the taking. A Man may *Distrein* for Homage of his Tenant, for Fealty, Escuage, and other Services, and for Fines, and Amercements assessed in a Leet, but not in a Court Baron, and for Damage-feasant, &c. But not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a *Distress*, it behoves him to bring it to the Common Pound, or he may keep it in an open place, so that he give notice to the party, that he (if the *Distress* be a Quick-beast) may give it food. See the Stat. *De districcione Scaccarii*, 51 Hen. 3.

*Distress*, is by *Britton*, cap. 71. divided into *Personal* and *Real*. *Distress Personal* is made by *distreining* a Mans movable Goods, and seizing all the Profits of his Lands and Tenements from the *Teste*, or date of the Writ, for the Defendants contempt, in not appearing to an Action brought against him, after he was Summoned or Attached; and the Issues so returned by the Sheriffs, are forfeited to the King, and *Estreated* into the Exchequer.

*Distress Real*, Is made upon immovable Goods. This differs from an *Attachment* in this, (among others,) that it cannot be taken by any common person; without the compass of his own Fee; except it be presently after the Cattle, or other thing, are driven or born off the Ground, purposely to avoid the *Distress*. *Fitz. Nat. Br.* fol. 904. See *Attache*, and the Stat. 17 Car. 2. cap. 7.

*Distress* is also divided into *Finite* and *Infinite*; *Finite* is that which is limited by Law, how often it shall be made to bring the party to tryal of the Action, as once, twice, &c. *Old Nat. Br.* fol. 43. *Distress infinite*, is without limitation, until the party come; as against a Jury, which refuseth to appear upon Certificate of Assise, the Process is *Venire facias*, *Habeas corpora*, and *Distress infinite*. *Old Nat. Br.* fol. 113. Then it is divided into a *Grand Distress*, (*Anno 52 Hen. 3. cap. 7.*) which *Fitz. Herbert* calls *Magnam Districcionem*, and an *Ordinary Distress*. A *Grand Distress* is that which is made of all the Goods and Chattels that the party hath within the County. *Britton*, cap. 26. fol. 52. But see whether it be not sometimes all one with a *Distress infinite*. *Idem*, fol. 80. With whom also the Statute of *Marlbridge* seems to agree. *Anno 52 Hen. 3. cap. 7, 9 & 12.* See *Grand Distress* and *Attachment*.

*Distrit*, (*Districus*.) Is the place in which a Man hath the power of *distreining*; or the Circuit or Territory wherein one may be compelled to appear. *Britton*, cap. 120. Where we say, *Hors de son Fee*, others say, *Extra districum suum*.

*Distringas*, Is a Writ directed to the Sheriff, or any other Officer, commanding him to *Distrein* one for a Debt to the King, &c. or for his not appearance at a day. See great diversity of this Writ in the Table of Register. *Judic. verbo Distringas*. This was sometimes of old called *Constringas*, as appears by this Writ. *Lib. Ramef. sect. 227.* *Henricus Rex Anglia hominibus Abbatis de Ramefia salutem.* *Præcipio quod cito & justè reddatis Abbati Domino vestro, quicquid ei debetis in censu, & firmâ, & debitis, & placitis, sicut justè monstrare poterit quod ei debeatis. Quod si nolueritis, ipse vos inde constringat per pecuniam vestram. Teste Cancellar. apud Gloucester.* By *Pecuniam vestram*, in those days was understood *Bona & catalla*.

*Dividend*, In the Exchequer seems to be one part of an Indenture. *Anno 10 Edw. 1. cap. 11.* and 28 *Ejusdem*, Stat. 3. cap. 2.

*Dividenda*, Was anciently used for Indentura. *Claus. 6 Edw. 2. in Dors. M. 24. & Stat. de Escheatoribus 29 Edw. 1.*

*Divise*. See *Devise*.

*Divorce*, (*Divortium, à divertenda*.) Is a Separation of two *de facto* married together; of which, there are two kinds, one *A Vinculo Matrimonii*; the other, *A mensa & thoro*. The Woman divorced, *A Vinculo Matrimonii*, receives all again that she brought with her. This only arises upon a nullity of the Marriage, through



through some essential impediment, as Consanguinity or Affinity within the degrees forbidden, Precontract, Impotency, &c. Of which Impediments, the Canon-Law allows of fourteen, comprehended in these Verses,

*Error, Conditio, Votum, Cognatio, Crimen, Cultus, Disparitas, Vis, Ordo, Ligamen, Honestas, Si sis affinis, Si forte coram nequibus, Si Parochi & duplicis desit presentia testis, Raptave sit mulier, nec parti reddita tuta.*

**Divorce**, Is a Judgment Spiritual, wherefore, if there be occasion, it ought to be reversed in the Spiritual Court. See Coke, lib. 7. *Kenes Case*. *Idem*, lib. 5, fol. 98. And on *Listl. f. 235*.

In the Old Law, the Women divorced was to have of her husband a writing, (as *S. Jerome* and *Josephus* testify) to this effect, *I promise, that hereafter I will lay no claim to thee; which was called, A Bill of Divorce.*

**Docket**, Is a Brief in Writing. *Anno 2 & 3 Ph. & Ma. cap. 6.* *West* writes it, *Dogger*, by whom it seems to be some small piece of Paper or Parchment, containing the effect of a greater Writing. *Symbol. par. 2. tit. Fines, sect. 106.*

**To do Law**, (*Facere Legem*.) Is as much as to make Law. *Anno 23 Hen. 6. cap. 14.* See *Make*.

**Dogdraw**, Is a manifest deprehension of an Offender against Venison in a Forest, when he is found drawing after a Deer by the scent of a Hound, led in his Hand. There are four of these noted by *Mannwood, par. 2. cap. 18. num. 7. viz. Stablestand, Dogdraw, Blackbear, and Bloodiland.*

**Dogger**, A kind of little Ship. *Anno 31 Edw. 3. Stat. 3. cap. 1.* — All the Ships called Doggers and Landships, &c.

**Doggerfish**. *Ibidem, cap. 2.* Seems to be Fish brought in those Ships to Blackness Haven, &c.

**Doggermen**, (25 Hen. 8. cap. 4.) Fishermen that belong to Dogger-ships.

**Dogget**. See *Docket*.

**Doitkin**, Was a kind of base Coyn of small value, prohibited by the Stat. 3 Hen. 5, cap. 1. Hence we still retain the Phrase, *Not worth a Doitkin.*

**Dole**, (*Dola*, Sax. doel. Pars, portio, a doelan, dividere, distribuere.) Is a part or portion most commonly of a Meadow, so called to this day. As *Dole-Meadow* (*Anno 4 Jac. cap. 11.*) where several persons have shares. In *le Suthmede* (i. prato australi) habet Prior per sortem illam que vocatur *Crundoprest*, tres Dolas, sicut fors illa cadit. Et in qualibet Dola, habet 4 Polas, sive octo andenas (i. Swaths) jacentes simul. Lib. Priorat. Dunstable, cap. 5.

**Dolefish**, Seems to be that Fish, which the Fishermen, yearly employed in the North-Seas, do of Custom receive for their allowance or shares. See the Stat. 35 Hen. 8. cap. 7.

**Dolgbote**, (Sax.) A recompence, amends, or satisfaction made for a Scar or Wound. Sax.

Dict. LL. *Aluredi Regis, cap. 23. Dolgbot legitur.*

**Dom** and **Som**, Words used in Ancient Charters, signifying a Power of Judging, and security in Possessing. See *Doom*.

**Dom-boc**, (Sax.) *Liber judicialis*. Legg. *Edwardi Regis senioris, cap. 8.* Bede *ssa Dom-boc tace, i. Compenset sicut Liber judicialis statuerit.* Some Book of Statutes or Decrees proper to the English Saxons; such haply as that wherein the Laws of former Saxon Kings were contained. That Chapter seeming to refer to the Laws of King Ina, cap. 29.

**Dome** or **Doom**, (Sax. Dom.) a Judgment, Sentence, Ordinance or Decree. The Homagers Oath in the black Book of Hereford, fol. 46. ends thus, — *So help me God at his holy Dome, and by my Troth.* See *Doom*.

**Domesday**, (*Liber Judicarius, vel Censualis Anglia*.) from the Saxon Dom, i. census vel estimatio; (not *Domesdei*, nor *Domus Dei*, as some Authors write it,) is a most ancient Record, made in William the Conquerors time, and now remaining in the Exchequer fair and legible, consisting of Two Volumes, a greater and a less, the greater comprehending all the Counties of England, except Northumberland, Cumberland, Westmorland, Durham, and part of Lancashire, which were never survey'd; and except Essex, Suffolk and Norfolk, which Three are comprehended in the lesser Volume, which concludes with these Words, *Anno Millesimo Octogesimo Sexto ab Incarnatione Domini, vigesimo vero Regni Willielmi facta est ista descriptio, non solum per hoc tres Comitatus, sed etiam alios.* It is called *Liber Judicarius*, quia in eo totius Regni descriptio diligens continetur, singulorumque finium valentia exprimitur: And *Domesday*, (as *Gerv. Tilbur.* says,) non quod in eo de praepositis aliquibus dubiis feratur sententia, sed quod a praedicto Judicio non liceat ulla ratione discedere. It was begun, by Five Justices, assign'd for the purpose in each County, in the Year 1081, and finished 1086. Camden calls it, *Guhelmi librum censualem*, the Tax-Book of King William. See more of it in *Spelm. Gloss.* and 4 *Inst. fol. 269.* The Dean and Chapter of York, have an Register called also *Domesday*, so has the Bishop of Worcester; and there is an ancient Roll in Chester Castle, called *Domesday Roll*.

**Domicellus** and **Domicella**. *John of Gaunt*, Duke of Lancaster, had by *Katherine Swinford*, before Marriage, four Illegitimate Children, viz. *Henry, John, Thomas* and *Joan*; and, because they were born at Beaufort in France, they were vulgarly called *Henry de Beaufort, &c.* *John* before 20 Rich. 2. was Knighted, and *Henry* became Priest. At the Parliament holden 20 Rich. 2. the King by his Charter, did Legitimate these Children. Rex — *Charissimis consanguineis nostris nobilibus viris Johanni Militi, Henrico Clerico, Thome Domicello ac dilectae nobis nobili mulieri Johanne Beaufort Domicella, Germanis precharissimis Avunculi nostri, Johannes Ducis Lanc. natis ligeis nostris, salutem.* Eccl.

*Ec. Teste Rege apud Westm. 9. die Febr. per ipsum Regem in Parlamento.* In this Act, (says Sir Edw. Coke, 4 Inst. fol. 37.) the said Thomas, before his Legitimation, could not be called *Esquire*; and therefore had the Addition *Domicello*, derived of the French Word *Domoicel*, which, (says he,) signifies a young Soldier, not yet Knighted, or Nobly born, &c. which is a mistake; for there is no such French Word as *Domoicel*, but *Damoisel*; nor can *Domicellus* properly be derived from thence, but is an obsolete Latin Word, anciently given as an Appellation or Addition to the Kings (natural) Sons in France, and sometimes to the Eldest Sons of Noblemen there; from whence, doubtless, we borrowed the Words, See *Spel. Gloss. verbo Domicellus*. *Tidemannus permissione Divina Wigorn. Episcopus dilecto in Christo filio Johanni de Fulwode nostre Dioc. Domicello, salutem.* — *Dat. 7 Febr. 19 Rich. 2.* Here it is used to a private Gentleman, as Lord of a Mannor. — *Sed nos indiscretè de pluribus Dominis, quia Barones vocamus Domicellos, Angli verò nullum nisi natos Regum, &c.* Hoveden fol. 347. n. 50. **Dominica in Ramis Palmarum**, Palm-Sunday. *Md. quod ego Henricus de Erdington feci Homagium & Fidelitatem Domino Will. de Stafford apud Bromshulph in Com. Staff. die Mercurii prox. ante Dominicam in Ramis Palmarum, Anno Regni Regis Edw. xxiii, pro terris & tenementis que teneo in Villa de Hunstonscot in Com. War. &c.*

**Dominus**, in ancient times being prefix'd to a Name, usually denoted him a Knight, or a Clergy-Man, for so we find it often in Charters, with *His Festibus, Domino Edwardo de Sancto Mauro, Domino Wilhelmo Blount, &c.* Howbeit, I think, sometimes that Title was given to a Gentleman of Quality, though not a Knight, especially, if he were Lord of a Mannor.

**Domo Reparanda**, Is a Writ that lies for one against his Neighbor, by the fall of whose House, he fears damage to his own. *Reg. of Writs, fol. 153.* In which Case, the Civilians have the Action *De damno infecto*.

**Donus Conversorum**. See *Rolls*.

**Domus Dei**, The Hospiral of S. Julian in Southampton. so called. *Mon. Angl. 2. par. fol. 440. b.*

**Donative**, (*Donativum*,) Is a Benefice merely given and collated by the Patron to a Man, without either Presentation to, or Institution by, the Ordinary, or Induction by his command. *Fitz. Nat. Br. fol. 35. E.* See the *Stat. 8 Rich. 2. c. 4.* And where a Bishop hath the gift of a Benefice, it is properly called a *Donative*, because he cannot present to himself. *Petrus Gregorius, de Beneficiis, cap. 11. num. 1.* hath these Words. — *If Chappels founded by Laymen, were not approved by the Diocesan, and (as they term it) spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders; wherefore the Founders and their Heirs,*

*may give such Chappels, if they will, without the Bishop.* Gwin in the Preface to his *Readings*, saith, That the King might of ancient time, found a Free-Chappel, and exempt it from the Jurisdiction of the Diocesan: So also may he, by his Letters Patent, give Licence to a common person to found such a Chappel, and make it *Donative*, not presentable; and that the Chaplain shall be deprivable by the Founder, or his Heir, and not by the Bishop, which seems to be the original of *Donatives* in England. All Bishopricks were, in ancient time, *Donative* by the King. *Coke, lib. 3. fol. 75.*

**Donor**, Is he who gives Lands or Tenements to another in Tail; and *Donee* is he to whom the same are given.

**Doom or Dome**, (*Sax. Dom.*) A Judgment, Sentence, Ordinance, or Decree; also fence or signification. *Substantiva quedam* (says Mr. Somner,) *exerunt in Dom, ubi compositionis gratia videtur appositum, & quandoque munus denotat vel Officium, item Ditionem & Dominium, ut in Kingdom, Earldom, &c.* — *Habeat Grithbriche & Forstal, & Dan, & Dom, & Wreche in Mari.* *Mon. Agl. 1. par. fol. 284. a.* See *Oath*.

**Dormitory**, (*Dormitorium*,) Is the Common Room or Chamber, where all the Religions of one Convent slept and lay all Night. *Anno 25 Hen. 8. cap. 11.*

**Dorsens**, Streight Cloaths made in Devonshire, and so called in *Rot. Parl. 2 Hen. 5.*

**Dore Assignanda**, Is a Writ that lay for a Widow, where it was found by Office, That the Kings Tenant was seized of Tenements in Fee or Fee-tail, at the day of his Death; and that he held of the King in Cheif, &c. In which Case, the Widow came into the Chancery, and there made Oath, That she would not Marry without the Kings leave. *Anno 15 Edw. 3. cap. 4.* And hereupon she had this Writ to the Escheator, for which, see *Reg. of Writs, fol. 297.* and *Fitz. Nat. Br. fol. 263.* These Widows are called the *Kings Widows*. See *Widow*.

**Dote unue nihil habet**, Is a Writ of Dower that lies for the Widow, against the Tenant, who bought Land of her Husband in his life time, whereof he was solely seized in Fee-simple or Feetail, in such sort, as the issue of them both might have inherited. *Fitz. Nat. Br. fol. 147.*

**Dotis Admensuratione**. See *Admeasurement*, and *Reg. of Writs, fol. 171.*

**Doubles**, (*Anno 14 Hen. 6. cap. 6.*) Signifie as much as Letters Patent, being a French Word made of the Latin *Diploma*.

**Double Plea**, (*Duplex Placitum*,) Is that wherein the Defendant alleageth for himself two several matters, in Bar of the Plaintiffs Action, whereof either is sufficient to effect his desire, which shall not be admitted for a Plea. As, if a Man allege several matters, the one nothing depending upon the other, the Plea is accounted *Double*, and not admissible; but, if they be mutually depending each of other,



then is it accounted single. *Kitchin, fol. 223.* See *Brook, hoc tit.* And Sir *Tho. Smith* gives this reason why such *Double Plea* is not admitted by our Law; because the tryal is by Twelve rude Men, whose Heads are not to be troubled with over many things at once. *Lib. 2. de Rep. Angl. cap. 13.*

**Double Quarrel,** (*Duplex Querela.*) Is a Complaint made by any Clerk, or other, to the Archbishop of the Province, against an Inferior Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, Institute a Clerk presented, or the like; and seems to be termed a *Double Quarrel*, because it is most commonly made against both the Judge and him, at whose fute Justice is delayed. *Cowels Interp.*

**Douze Peers,** were Twelve Peers in Henry the Third's time, who were appointed at the instance of the Barons, to be as Privy Counsellors to the King, or rather *Conservators* of the Kingdom.

**Dowager,** (*Dorissa.*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied to the Widows of Princes, Dukes, Earls, and Persons of Honor only.

**Dower,** (*Dos & Dotarium.*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage Goods: The other, (*Dotarium* or *Dotarium*), that Portion of Lands or Tenements, which she hath for term of her life from her Husband, if she out-live him. *Glanville, lib. 7. cap. 1. Bracton, lib. 2. cap. 38. Britton, cap. 101. in Princip.* Some Authors have for distinction, called the First a *Dowry*, and the other a *Dower*, but they are often confounded. Of the former our Law-Books speak little, of the later, there are five kinds, viz.

1. *Dower per Legem Communem*
2. *Dower per Consuetudinem.*
3. *Dower ex Assensu Patris.*
4. *Dower ad Ostim Ecclesie.*
5. *Dower de la Plus Bele.*

**Dower by the Common Law,** Is a Third Part of such Lands, as the Husband was sole seised of in Fee, during the Marriage, which the Wife is to enjoy, during her life; for which, there lies a Writ of Dower. *Dower by Custom*, gives the Wife, in some places, half her Husbands Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth part, *Ex Assensu Patris, ad Ostim Ecclesie*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husbands Lands. *Glanv. lib. 6. cap. 1.* And if it be done before Marriage, it is called a *Jointure*. *Dower de la Plus Bele*, Is when the Wife is endowed of the fairest, or best part of her Husbands Estate. See *Coke on Littl. fol. 33. b. Romanis non in usu fuit uxoris Dotes retribuere, ideo*

*verbo genuino carent q̄o hoc dignoscitur; & tem ipsam in Germanorum moribus miratur Tacitus, Dotem (inquit) non uxor Marito, sed uxori Maritus affert. Spelm.*

To the Consummation of *Dower*, three things are necessary, viz. *Marriage*, *Seizin*, and the *Husbands Death*. *Bingham's Case, 2 Rep.* If the Wife be past the age of nine years at the death of her Husband, she shall be endowed; If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, she loseth her *Dower*, by the Stat. of *Westm. 2. cap. 34. 2 Part. Inst. fol. 433.*

*Camden*, (in his *Bris. tit. Suffex.*) relates this memorable Case, (out of the *Parl. Records, 30 Edw. 1.*) Sir *John Camois*, son of the Lord *Ralph Camois*, of his own free-will gave and demised his own Wife *Margaret*, Daughter and Heir of *John de Garosden*, unto Sir *Will. Panell* Knight; and, unto the same *William*, Gave, Granted, Released, and Quit-claimed all her Goods and Chattels, &c. So that neither he himself, nor any Man else in his Name, might make Claim, or ever Challenge any Interest in the said *Margaret*, or in her Goods or Chattels, &c. By which Grant, when she demanded her *Dower* in the Mannor of *Torpell*, part of the Possessions of Sir *John Camois* her first Husband, then deceased, there grew a Memorable Sute in Law, but wherein she was overthrown, and Judgment pronounced (in Parliament 30 Ed. 1.) That she ought to have no *Dower* from thence, upon the Stat. of *Westm. 2. Quia recessit a marito suo in vita sua, & vixit ut Adultera cum predicto Guilhelmo, &c.* This Case is cited also in 2 *Inst. fol. 435.*

Of *Dower*, Read *Fleta*, who Writes largely, and Learnedly of it, *Lib. 5. cap. 22. & seq.*

Among the *Jews*, the Bridegroom, at the time of the Marriage, gave his Wife a *Dowry Bill*, the Form whereof you may see in *Moses and Aaron, pag. 235.*

**Dozein,** (*Decema.*) In the Stat. for view of *Frankpledge*, made 18 Edw. 2. one of the Articles for Stewards in their Leets to enquire of, is; If all the Dozeins be in the *Alize* of our Lord the King, and which not, and who received them. *Art. 3. See Decimers.* Also there is a sort of *Devonshire Kerfies*, called *Dozens*. *Anno 5 & 6 Ed. 6. cap. 6.*

**Drags,** *Anno 6 Hen. 6. cap. 5.* seem to be Wood or Timber, so joyned together, as that, swimming or floating upon the Water, they may bear a burden or load of other Wares down the River.

**Drawlatches.** *Anno 3 Edw. 3. cap. 14. and 7 Riob. 2. cap. 5. Lamb. (in his Eiren. lib. 2. cap. 6.)* calls them *Miching Thieves*; as *Walters* and *Roberts-men*, mighty Thieves; saying, the Words are grown out of use.

**Dreit-Dreit,** Signifies a double-right, that is, *Jus possessionis & Jus Domini.* *Bracton lib. 4. cap. 27. and lib. 4. Tract. 4. cap. 4. and lib. 5. Tract. 3. cap. 5. Coke on Littl. fol. 266.*

**Drenches or Drenges, (Drengi)** Were Tenentes in Capite, says an ancient MS. *Domesday* Tit. Lestreic. Roger. Picaviens. Neuton. *Huius Manerii aliam terram 15 homines, quos Drenches vocabant, pro 15 Maneriis tenebant.* They were, (says Spelman,) e genere vassallorum non ignobilium, cum singuli qui in *Domesd.* nominantur singula possiderent Maneria. Such as at the coming in of the Conqueror, being put out of their Estates, were afterward, upon complaint unto him, restored thereunto; for that they being before owners thereof, were neither in auxilio or consilio against him: Of which number were Edwyne a Dane, Sharnburne of Norfolk and others. Sir Edward Coke, on *Littl.* fol. 5. b. says, *Drenches* are Free-Tenants of a Mannor: Misprinted doublets for *Drenches*, and not well Interpreted. See Baron. *Angliae*, fol. 118. a. In Cukeneý manebat quidam homo, qui vocabatur Gamilbere, & fuit verus *Drenghe* ante Conquestum, tenuit duas Caru-tas terre de Domino Rege in Capite, pro tali servicio, de ferrando Palefridum Dom. Regis super quatuor pedes de Cluario Dom. Regis, quotiescunque ad Manerium suum de Mansfeld jacuerit, & si inclauder Palefridum Domini Regis, dabet ei Palefridum quatuor Mercatum. Mon. Angl. 2. p. fol. 598. a.

**Drengage, (Drengagium, vel servitium Drengarij.)** The Tenure by which the Drenches held their Lands, of which see *Trin.* 21. Ed. 3. Ebor. & Northumb. Rot. 191. Notandum est, eos omnes eorumve antecessores, qui e Drengorum classe erant, vel per Drengagium tenere, sua incoluisse patrimonia ante adventum Normannorum. Spelm.

**Dre Exchange, (Anno 3 Hen. 7. cap. 5. (cambium ficcum.)** Seems to be a cleanly term, invented for the disguising foul Usury; in which something is pretended to pass on both sides, whereas in truth nothing passeth but on the one side, in which respect it may well be called Dry. Of this Lud. Lopes tract. de Contract. & Negotiat. lib. 2. cap. 1. Sect. Deinde postquam, writes thus, *Cambium est reale vel ficcum; Cambium reale dicitur, quod consistentiam veri Cambii realem habet, & Cambium per trans, & Cambium minutum. Cambium autem ficcum est Cambium non habens existentiam Cambii, sed apparentiam ad instar arboris exsiccata, quæ humore vitali jam carens, apparentiam arboris habet, non existentiam.*

**Dre rent, rent seck.** See *Rent*.

**Drift of the Forest. (Agitatio animalium in Foresta.)** Is an exact View, or Examination, what Cattel are in the Forest, that it may be known whether it be over charged or not, and whose the Beasts are; and, whether they are Commonable Beasts, &c. When, how often in the Year, by whom, and in what manner this Drift is to be made. See *Mammot*, Part. 2. cap. 15. and 4 *Inst.* fol. 309.

**Drinklean, (Sax. Drinc-lean.)** In some Records written *Potura Drinklean*; Is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord, or his Steward; a *Scot-ale*.

**Drosdenner, — Quod Dominus debet habere Drosdennes arbores de crescentia xl. annorum** & infra. *Kanc. Pasch.* 44. Edw. 3. quarte. **Drosdenn, Drost and Drosent,** (among our Saxons) signified a Grove, or Woody place, where Cattel were kept; and, the Keeper of them was called *Drostman*. *Domesday*.

**Drostland, or Drostland,** (from the Saxon dryfene, i. Driven,) Was antiently a Quit-rent, or Yearly payment made by some Tenents to the King or their Landlords, for driving their Cattel through the Mannor to Faires and Markets. Mr. Philips *Mistaken Recompence*, fol. 39.

**Droit, (Fr. Droit)** In Law there are six kinds of it, viz.

1. *Fus recuperandi.*
2. *Fus intrandi.*
3. *Fus habendi.*
4. *Fus retinendi.*
5. *Fus percipiendi.*
6. *Fus possidendi.*

All these several sorts of rights, following the relations of their objects, are the effects of the Civil Law. Vide Coke on *Littl.* fol. 266. & 345. b. — Of meer droit, and very right. Anno 27 H. 8. cap. 26.

**Droit de Advowzen.** See *Recto de Advocatione Ecclesie*.

**Droit rible.** See *Recto clausum*.

**Droit de Dotage.** See *Recto dotis*.

**Droit sur disclaimer.** See *Recto sur disclaimer*.

**Droit patent.** See *Recto patens* and *Calthrops Rep.* fol. 132.

**Duces tecum,** Is a Writ, commanding one to appear at a day in the Chancery, and to bring with him some Evidences, or other thing which the Court would view. Which is also granted, where a Sheriff, having in his custody a Prisoner in an Action Personal, returns, upon a *Habeas Corpus*, that he is adeo languidus, that, without danger of death, he cannot have his Body before the Justices. See *New Book of Entries* on this Word.

**Duel, (Duellum, according to Fleta.)** Est singularis pugna inter duos ad probandam veritatem litis, & qui vicerit, probasse intelligitur, &c. *Stat. de Finibus levatis*, 27 Edw. 1. The Trial by Duel, Combat, or Campfight, in doubtful Cases is now disused, though the Law on which it was grounded be still in force. See 3-Part. *Inst.* fol. 221. and see *Combat*, Per libertatem habere Duellum, Johannes Stanley Arm-clamat, quod si aliquis placitaverit aliquem de libero tenemento in Curia sua de Aldford per breve Domini Comitis de recto patent. tenere & terminare predictum placitum per duellum, prout jus est per Communem legem. Plac. in Itin. apud Cestriam 14 Hen. 7.

Stephanus de Nerbona omnibus — Sciatis me dedisse Willielmo filio Radulphi de Filungele pro homagio & servicio suo, & propter Duellum quod fecit pro me, — Duas virgatas terre, — Sine Dat. MS. penes Wm. Dugdale, Mil.

Duke



**Duke**, (Lat. *Dux*, Fr. *Duc*,) Signified among the ancient Romans, *Ductorem exercitus*, such as Led their Armies; Since which they were called *Duces*, to whom the King committed the Custody or Regiment of any Province. In some Nations at this day the Sovereigns of the Country are called by this Name, as *Duke of Russia*, *Duke of Savoy*, &c. In England, *Duke* is the next in Secular Dignity to the Prince of Wales; And, (as Camden, says,) Heretofore in the Saxons time, were called *Dukes*, without any addition, being mere Officers and Leaders of Armies. After the Conqueror came in, there were none of this Title till *Edward the Third's* days, who made *Edward* his Son *Duke of Cornwall*, after which there were more made, in such sort, as their Titles descended to their Posterity; They were created with Solemnity *per cincturam gladii, Cappaque & circuli aurei in Capite impositionem*. Vide *Cam. Britan.* p. 166. *Lexicon de feudis*, p. 4. *Nim.* 7. And *Ferns Glory of Generosity*, p. 136.

**Dunnarium**, —*Pateat*— quod ego *Johannes de M-hun Miles dedi Abbati & Canon. de Nulle pasturam in omnibus brueris seu Dunnariis meis*, &c. *Dar.* 29. Ed. 3. *Penes Decan. & cap. Eccl. Cath. Christi Oxon.* It seems to signifie a Down, a Hilly or Heathy Ground.

**Dutchy-Court**, Is a Court wherein all matters appertaining to the Dutchy, or Counry-Palatine of Lancaster, are decided by the decree of the Chancellor of that Court; the Original of it was in *Henry the Fourth's* days, who, obtaining the Crown by Deposing *Richard the Second*, and having the Dutchy of Lancaster by Descent, in Right of his Mother, was seized thereof as King, and not as Duke; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy passed from the King by his Great Seal, and not by Livery or Attornment, as the Possessions of *Everwick*, the Earldom of *March*, and such others did, which had descended to the King by other Ancestors than the Kings; But, at last, *Henry the Fourth*, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said Dutchy were sever'd from the Crown; yet *Henry the Seventh* reduced it to its former nature, as it was in *Henry the Fifth's* days. *Crom. Jur.* fol. 136.

The Officers belonging to this Court are, the Chancellor, Attorney, Receiver-General, Clerk of the Court, Messenger: Besides which, there are certain Assistants, as one Attorney in the Exchequer, one Attorney of the Dutchy in Chancery, four Persons learned in the Law, retained of Council with the King in the said Court; whereof *Gwin*, (in Preface to his *Readings*,) speaks thus; It grew out of the grant of King *Edward the Third*, who gave that Dutchy to his Son *John of Gant*, and endowed it with such Royal Rights, as the County Palatine of *Chester* had. And, for as much as it was afterward extinct in the Person of King *Henry the Fourth*, by reason of the Union of it with the Crown, the same King, (suspecting himself to be more

rightfully *Duke of Lancaster*, than King of *England*,) determined to save his Right in the Dutchy, whatever should befall the Kingdom; and therefore he separated the Dutchy from the Crown, and settled it so in the natural Persons of Himself and his Heirs, as if he had been no King or Politick Body at all; In which condition it continued, during the Reign of *Henry the Fifth*, and *Henry the Sixth*, that descended from him; But, when *Henry the Fourth* had (by recovery of the Crown,) recontinued the Right of the House of *York*, he feared not to appropriate that Dutchy to the Crown again; yet so, that he suffer'd the Court and Officers to remain as he found them; In which manner it came, together with the Crown, to *Henry the Seventh*, who, liking well of *Henry the Fourth's* Policy, (by whose Right also he obtained the Kingdom,) made a like separation of the Dutchy, and so left it to His Posterity, who still enjoy it *Cowel*.

**Dum fuit infra ætatem**, Is a Writ, which lies for him, (who, before he came to full age, made a Feoffment of his Land,) to recover it again from the Vendee. *Fitz. Nat. Br.* fol. 192.

**Dum non fuit compos mentis**, He, who being not of sound Memory, and Aliens any Lands or Tenements, may have this Writ against the Alienee. *Fitz. Nat. Brev.* fol. 202.

**Dametium**, (Lat. *Dumetum*,) A Ground full of Bushes and Brambles. I have seen a Deed, granting (inter alia) quoddam *Dumetium* in Dale.

**Dunum**, & *Duna*, A Down or Hill. *Domesday*.

**Duplicat**, Is used by *Crompton* for a second Letters Patent, granted by the Lord Chancellor, in a Case wherein he had formerly done the same, and was therefore thought void. *Crom. Juaisd.* fol. 215. Also a second Letter written and sent to the same party and purpose, as a former, for fear of miscarriage of the first, or for other reason, is called a *Duplicat*. The word is used 14 *Car.* 2. cap. 10.

**Dures**, (*Duritia*,) Is, where one is kept in Prison, or restrained of his Liberty, contrary to the Order of Law; or threatened to be kill'd, maym'd, or beaten: And, if such person, so in Prison, or in fear of such Threats, make any Specialty, or Obligation, by reason of such Imprisonment, or Threats, such Deed is void in Law: And, in an Action bought upon such Specialty, the Party may Plead, That it was made by *Duresse*; and so avoid the Action. *Broke* in his *Abridgment* joyneth *Dures* and *Mannasse* together, i. *duritiam* & *minas*; hardship, and threatnings.

**Dyke-reeve**, A Bailiff, or Officer, that has the care and over-sight of the Dykes and Draines in *Deeping-Fens*, &c. mentioned *Anno* 16 & 17 *Car.* 2. cap. 11.

## E.

**E** Alderman, or Caldozman, (*Aldermannus*.) Among the Saxons, was as much as Earl among the Danes. *Cam. Britan. pa. 107.* Also, an Elder, Senator or States-Man; and, at this day, we call them *Aldermen*, who are Associates to the Chief Officer in the Common-Council of a City, or Borough-Town. *24 Hen. 8. cap. 13.* Sometimes the Chief Officer himself is so called. See *Alderman*.

**Earl**, (*Sax. Eopl, Comes*.) This Title, in ancient times, was given to those, who were Associates to the King in his Councils, and Martial-Actions: And the manner of their Investiture into that Dignity was, *Per cincturam gladii Comitatus*; without any Formal Charter of Creation. See *Dugdale's Warwickshire, fol. 302.* But the Conqueror (as *Camden* notes,) gave this Dignity, in Fee, to his Nobles, annexing it to this or that County or Province; and allotted them, for their Maintenance, a certain proportion of Money arising from the Prince's Profits, for the Pleadings, and Forfeitures of the Provinces: For Example, he brings an ancient Record in these words; *Henricus 2. Rex Anglie his verbis Comitum creavit; Sciatis nos fecisse Hugonem Bigot Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk; sicut aliquis Comes Anglie liberius Comitatum suum tenet.* About the Reign of King *John*, and ever since, our Kings have made *Earls* by their Charter, of this or that County, Province, or City; but, of late, giving them no Authority over the County, nor any part of the Profits arising by it; only some Annual Fee out of the Exchequer, &c. The manner of their Creation is by Girding them with a Sword. *Cam. pa. 107.* but see the solemnity described more at large in *Stowes Annals, pa. 1121.* Their Place is next to a Marquess, and before a Viscount. *Comitatus a Comite dicitur, aut vice versa.* See more on this Subject in *Spelman's Gloss. verbo Comites*; and in *Selden's Titles of Honour, fol. 676.* and see *Countee*.

**Easement**, (*Aisiammentum*, from the French, *Aise. i. commoditas*.) Is a Service, or Convenience, which one Neighbour has of another by Charter, or Prescription, without Profit; as, a Way through his Ground, a Sink, or such like, *Kitchin, fol. 105.* Which, in the Civil-Law, is called *Servitus prædii*. — *Præcipias R. quod iuste & sine dilatione permittat habere H. aisiammenta sua in Bosco & in pastura de villa illa, &c. Breve Regium vetus, apud Glanvil. lib. 12. cap. 14.*

**Eberemurder**, (*Sax. ebepe-mopd.*) *Aperitum murdrum*; Was one of those Crimes, which, by *Henry the First's Laws, cap. 13.* *Emendari non possunt.* *Hoc ex scelere genere fuit, nullo pretio, (etiam apud Saxones nostros,) expiabilium, cum alia licuit pecuniis commutare.* *Spelman.*

**Ecclesia**, (*Lat.*) Is most used for that place

where Almighty God is served, commonly called a *Church*. But *Fitzh.* says, by this word *Ecclesia* is meant only a Parsonage; and therefore if a Presentment be made to a *Chapel*, as to a *Church*, by the name *Ecclesia*, this does change the nature of it, and makes it presently a *Church*. *Nat. Br. 32.* When the Question was, Whether it were *Ecclesia aut Capella pertinens ad matricem Ecclesiam*: The issue was, Whether it had *Baptisterium & Sepulturam*: For, if it had the Administration of the Sacraments and Sepulture, it was in Law judged a *Church*. *Trin. 20. Edw. 1. in banco, Rot. 177. 2 Inst. fol. 363.*

**Ecclesiastical Persons**, Are either *Regular* or *Secular*; *Regular* are such as lead a Monastical Life, under certain Rules; and have Vowed Obedience, perpetual Chastity, and wilful Poverty: When a Man is professed in any of the Orders of Religion, he is said to be a Man of Religion, a *Regular*, or Religious; of this sort are Abbats, Priors, Monks, Friars, &c. *Secular* are those, whose ordinary Conversation is among Men of the *World*, and profess the undertaking the Charge of Souls, and live not under the Rules of any Religious Order; such are Bishops, Parish-Priests, &c.

**Edestia** — *Sciatis quod ego Adam de Mohant concessi Domino Johanni de Baskerville pro servicio suo totam terram cum Edestiis & cum omnibus pertin. suis, &c. Ex Regist. Priorat. de Wormley. q.* Perhaps from *Edes*, and used for Buildings.

**Eel lares**, alias **Eel vare**, (*Anno 25 H. 8.*) The Fry or Brood of *Eels*.

**Estratores**, (*Lat.*) Burglars, that break open Houses to steal. *Qui furandi causa domos effringunt, vel sese carcere proripiunt; Etiam qui scrinia expoliant.* *MS.*

**Egyptians**, (*Egyptiani*.) Are, in our Statutes, a counterfeit kind of Rogues; who, being *English* or *Welsh* People, disguise themselves in strange Habits, smearing their Faces and Bodies, and framing to themselves an unknown Canting Language, wander up and down; and, under pretence of Telling Fortunes, Curing Diseases, and such like, abuse the Common-people, by stealing all that is not too hot, or too heavy, for their carriage. *Anno 1 & 2 Phil. & Ma. ca. 4. Anno 5 Eliz. ca. 20.* These are like those whom the *Italians* call *Cingari*.

**Ejectione custodiæ**, *Ejection de gard*, Is a Writ, which lay properly against him that did cast out the Gardian from any Land, during the Minority of the Heir. *Reg. of Writs, fol. 162. Fitz. Nat. Br. fol. 139.* There are two other Writs not unlike this, the one termed *Droit de gard*, or, Right of gard; the other *Ravishment de gard*, which see in their places.

**Ejectione firmæ**, Is a Writ which lies for the Lessee for years, who is ejected before the expiration of his term, either by the Lessor, or a Stranger. *Reg. of Writs, fol. 227. Fitz. Nat. Br. fol. 220.* See *Quare ejecit infra terminum*, and *New Book of Entries, verbo Ejectione firmæ*.

**Eigue**, (*French, Aisne*.) Eldest, First-born.



As Bastard eigne & mulier puisne. *Litt. Sect.* 399. See *Mulier*.

*Eucelia*, (borrowed of the French, *Aïsus* i. *Primogenitus*;) signifies Eldership. *Stat. of Ireland*, 14 Hen. 3. Of this read *Skene*, verbo *Eneya*. And see *Esney*. — *Eyniciam filiam suam maritare*; to Marry his Eldest Daughter.

*Eyre*, alias *Eyre*, (from the old French word *Erre*. i. *Iter*. as a grand *erre*. i. *magnus itineribus*;) Signifies the Court of Justices Itinerant; For Justices in Eyre are those whom *Bracton* in many places calls *Justiciarios Itinerantes*. The Eyre of the Forest is the Justice Seat, otherwise called; which, by ancient Custom, was held every three years by the Justices of the Forest, journeying up and down to that purpose. *Bracton. lib. 3. Tract. 2. ca. 1 & 2. Britton. ca. 2. Crompt. Jur. fol. 156. Manwood par. 1. pa. 121.* Read *Skene*, verbo, *Iter*; whereby, as by many other places, you may see great affinity between these two Kingdoms in the Administration of Justice and Government. See *Justice in Eyre*.

*Election*, ( *Electio*;) Is, when a Man is left to his own Free-will, to take or do one thing or another, which he pleaseth. In case an *Election* be given of two several things, he who is the first Agent, and ought to do the first act, shall have the *Election*: As if a Man make a Lease, rendring a Rent, or a Robe, the Lessee shall have the *Election*, as being the first Agent, by payment of the one, or delivery of the other. *Coke on Litt. pa. 144. b.*

*Election de Clerk*, ( *Electio Clerici*;) Is a Writ that lies for the Choice of a Clerk, assigned to take and make Bonds, called *Statute-Merchant*; and is granted out of the Chancery, upon suggestion, that the Clerk formerly Assigned is gone to dwell in another place, or hath Impediments to follow that Business; or, not Land sufficient to answer his transgression, if he should deal amiss, &c. *Fitz. Nat. Br. fol. 164.*

*Elegit*, (from the words in it *Elegit sibi liberari*;) Is a Writ Judicial, and lies for him that hath recover'd Debt or Damages, or upon a Recognizance in any Court, against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him to make delivery of half the Parties Lands, and all his Goods; Oxen and Beasts for the Plough excepted. *Old Nat. Br. fol. 152. Reg. of Writs, fol. 299, and 301. and the Table of the Reg. Judicial*, which expresseth divers uses of this Writ. The Creditor shall hold the Moiety of the said Land so delivered to him, till his whole Debt and Damages are satisfied; and, during that term, he is Tenant by *Elegit*. *Westm. 2. cap. 18. See Coke on Litt. fol. 289. b.*

*Elk*, A kind of Yew to make Bows, *Anno 33 Hen. 8. ca. 9.*

*Eloine*, (from the French, *Esloigner*; to remove, banish, or send a great way from,) — If such as be within Age be Eloined, so that they cannot sue Personally, their next Friends shall be admitted to sue for them. *Anno 13 Edw. 1. ca. 15.*

*Elopement*, Is, when a Married Woman,

of her own accord, departs from her Husband, and lives with an Adulterer; whereby, without voluntary submission, or reconciliation to her Husband, she shall lose her Dower, by the Stat. of *Westm. 2. ca. 34.* according to this old Dy-tich,

*Sponte virum mulier fugiens, & Adultera facta,  
Dote sua caveat, nisi sponso sponte retracta.*

A Woman, thus leaving her Husband, is said to *Elope*, and her Husband in this case shall not be compell'd to allow her any Alimony. See *Alimony*. I am persuaded the word is taken from the Saxon Geleopan. i. To depart from one place to dwell in another, the Saxon p being easily mistaken for a p. Or from the Belg. *Ei*, matrimonium, & loopen, currere.

*Emblements*, (from the French, *Emblavence de bled*. i. Corn sprung, or put up above Ground.) Signifies strictly the Profits of Land sown; but the word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Grass, Fruit, &c. If Tenant for Life sow the Land and die, his Executor shall have the *Emblements*, and not he in reversion; but if Tenant for Years sow the Land, and before severance the term expires, there the Lessor, or he in reversion, shall have the *Emblements*, and not the Lessee. *Vide Coke, lib. 11. fol. 51.*

*Emblers de Gentz*. This word occurs in *Rot. Parl. 21 Edw. 3. n. 62. Whereas divers Murders, Emblers de Gentz, Robberies, &c.* It comes from the French *Embler*, to steal, and seems to signify stealing from, or robbing, the people.

*Embracerer*, ( *Anno 19 Hen. 7. ca. 13.* ) Is he, that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having received some Reward so to do,) and speaks in the Case, or privately labors the Jury, or stands there to survey, or over-look, them, whereby to awe, or put them in fear. The Penalty whereof is 20 l. and Imprisonment at the Justices discretion, by the said Statute.

*Embracerer*, Is the Act or Offence of *Embraceors*. To instruct the Jury, or promise Reward for, or before, appearance, is *Embracery*. *Noys Rep. fol. 102.*

*Ember, or Embring-days*, ( *Anno 2 & 3 Edw. 6. ca. 19.* ) Are those, which the ancient Fathers called *Quatuor tempora*, and are of great Antiquity in the Church, being observed on Wednesday, Friday and Saturday next after Quadragesima Sunday, Whitsunday, Helyrood day in September, and St. Lucy's day in December; and are so called from the Saxon ymb-pen. i. *curfus vel circulus*; because constantly observed at set seasons in the course or Circuit of the Year. Our Saxons called this Fast *Imbien*. *Et jenuja quatuor Tempora (que Imbien vocant,) & cetera omnia, prout S. Gregorius Geni imposuit Anglorum, conservantur.* *Spelm. de Concil. T. 1. fol. 518.* They are mentioned by *Britton, ca. 53.* and others. In 3 *Part. Inst. fol. 200.* it is said, *These Embring days are the week next*

*next before Quadragesima*, which is a great mistake.

**Emendals**, (*Emenda*.) Is an old word, still used in the Accounts of the *Inner-Temple*; where so much in *Emendals* at the foot of an Account, signifies so much in the Bank or Stock of the House, for Reparation of Losses, or other emergent occasions; *Quod in restaurationem damni tribuitur*, says *Spelman*.

**Empanel**, (*Ponere in Assisib & Furatib*.) Signifies the Writing and Entering the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has Summoned to appear for the performance of such publick Service, as Juries are employ'd in. See *Panel*.

**Imparlance**, (From the French, *Parler*, to speak,) Signifies a Desire or Petition in Court of a Day to pause, what is best to do; (the *Civilians* call it, *Petitionem induciarum*.) *Kitchin*, (fol. 200.) says, *If he imparl, or pray continuance*, &c. where *praying continuance* is spoken interpretatively; and fol. 201. mentions *imparlance general and special*; The first seems to be that, which is made only in one word, and in general terms: *Imparlance special*, where the Party requires a Day to deliberate; adding also these words, *Salvis omnibus advantagiis tam ad jurisdictionem Curie, quam ad breve & narrationem* — or such like. *Britton* useth it for the conference of a Jury upon the Cause committed to them, ca. 53. See *Imparlance*.

**Enchelon**, (*French*.) Signifies Occasion, Cause or Reason, wherefore any thing is done. 50 *Edw. 3. ca. 3.* See *Skene in bo. verbin.*

**Encroachment**, or **Accroachment**, (*Fr. Accrochement*. i. A grasping, or hooping.) Signifies an unlawful encroaching, or gathering in upon another Man; As if two Mens Grounds lying together, the one presseth too far upon the other; or if a Tenant owe two shillings Rent-Service, and the Lord exacts three. So *Hugh* and *Hugh Spencer* encroached unto them Royal Power and Authority. *Anno 1 Edw. 3. in Proem.*

**Enditement**, (*Indictamentum*, from the *Fr. Enditer*. i. *Deferre nomen alicujus*.) Is a Bill or Declaration drawn in form of Law, for the Benefit of the Common-wealth, and exhibited by way of Accusation against one for some offence, either Criminal or Penal, and preferred unto Jurors, and by their Verdict, found and presented to be true before a Judge or Officer, that has power to punish, or certify the Offence. An *Inditement* is always at the Suite of the King, and differs from an Accusation in this, That the Preferrer of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear conspiracy. See *Stamf. pl. Cor. lib. 2. ca. 23. usq; 34.* *Enditements* of Treason, and of all other things ought to be most curiously and certainly penned. *Coke 7. Rep. Calvin's Case.* The day, year and place, must be put in. See the Stat. 37 *Hen. 8. ca. 8.* And 3 *Part. Inst. fol. 134.*

**Endowment**, (*Dotatio*.) Signifies the bestowing or assuring of a Dower. See *Dower*. But it is sometimes used Metaphorically, for the

setting forth or severing a sufficient portion for a Vicar towards his perpetual maintenance, when the Benefice is appropriated. See *Appropriation*, and the Stat. 15 *Rich. 2. ca. 6.*

**Endowment de la plus belle part**, Is where a Man dying seized of some Lands holden in Knights-service, and other some in Soccage, the Widow is sped of her Dower, in the Lands holden in Soccage, as being the fairer or better part. Of which see *Littleton at large, lib. 1. cap. 5.*

**Enfranchise**, (*French, Enfranchir*.) To make Free, to Incorporate a Man in any Society or Body Politick, to make one a Free Denizen.

**Enfranchisement**, (*French*.) Signifies the Incorporating a Man into any Society or Body Politick; For example, he that by Charter is made Denizen of England, is said to be *Enfranchised*; and so is he that is made a Citizen of London, or other City, or Burghs of any Town Corporate; because he is made partaker of those Liberties that appertain to the Corporation, whereinto he is *Enfranchised*. So a Villain was *Enfranchised*, when he was made Free by his Lord.

**Englecerie**, **Englecherie** or **Engleschpre**, (*Engleceria*.) Is an old abstract word, signifying the being an Englishman. For example, if a Man were privily slain or murdered, he was in old time accounted *Francigena*, (which comprehended every alien, especially Danes) until *Englecerie* was proved, that is, until it were made manifest, that he was an *Englissman*. *Bracton, lib. 3. tract. 2. cap. 15. num. 3.*

This *Englecery* (for the Abuses and Troubles that afterward were perceived to grow by it,) was absolutely taken away, by Stat. 14 *Edw. 3. cap. 4.*

**Inheritance**. See *Inheritance*.

**Enitia pars**. See *Isneq*.

**Empleet**, Was anciently used for implead — may *Empleet* and be *Empleeted* in all Courts. *Mon. Angl. 2. par. fol. 412. b.*

**Enquest**, *Fr. (Lat. Inquisitio)* Is especially taken for that *Inquisition* of Jurors, or by Jury, which is the most usual tryal of all Causes, both Civil and Criminal in this Realm. For in Causes Civil, after such proof is made on either side, as each Party thinks good for himself, if the doubt be in the fact, it is referred to the discretion of Twelve indifferent Men, impannelled by the Sheriff for the purpose; and as they bring in their Verdict, so Judgment passeth: For the Judge saith, the Jury finds the Fact thus, then is the Law (if their Verdict do not contradict it,) thus, and so we judge. As to the *Enquest* in Causes Criminal, see *Fury*, and see *Sir Tho. Smith de Repub. Angl. lib. 2. cap. 19.* An *Enquest* is either of Office, or at the Mife of the Party. *Stamf. Pl. Cor. lib. 3. cap. 12.*

**Entail**,



**Entail** (*Feudum talliatum*, Fr. *Entaille*, i. *infeifus*.) Is a Substantive Abstract, signifying Fee-tail or Fee entailed; that is abridged, curtailed, or limited, and tied to certain conditions. See *Fee* and *Tail*.

**Entendment**, (Fr. *Entendement*.) Signifies as much as the true meaning, intent, or signification of a Word, Sentence, Law, &c. See *Kitchin*, fol. 224. See *Intendment*.

**Enterplede**, (Fr. *Entreplaider*.) Signifies to discuss or try a Point incidently falling out, before the principal Cause can be determined. For example, Two Persons being found Heirs to Land, by two several Offices, in one County, the King is brought in doubt, to which of them, Livery ought to be made; therefore, before Livery be made to either, they must *Enterplede*, that is, formally try between themselves, who is the right Heir. *Stamf. Prærog. cap. 12.* See *Broke tit. Enterpleder*.

**Entierte or Intierte**, (From the Fr. *Entierete*, i. *Entiernefs*.) The whole: Contradistinguished in our Books to *Moiety*.

**Entire Tenancy**, Is contrary to *Several Tenancy*, and signifies a sole possession in one Man, whereas the other signifies a joint or common one in more. See *Broke*, *Several Tenancy*. See *New Book of Entries*, verbo *Entier-Tenancy*.

**Entric**, (Fr. *Entree*, i. *Introitus*, *ingressus*.) Properly signifies the taking possession of Lands or Tenements. See *Plowden*, *Affise of Freshforce* in London, fol. 93. b. It is also used for a Writ of Possession, for which see *Ingressu*; and read *West*, pa. 2. *Symbol. tit. Recoveries*, sect. 2, 3. who there shews for what it lies, and for what not. Of this, *Britton*, in his 114th Chapter, writes to this effect, The Writs of Entry favor much of the Right of Property. As for example, some are to recover Customs and Services, in which are contained these two words, (*folet & debet*.) as the Writs *Quo Jure*, *Rationabilibus Divisi*, *Rationabili Estoverio*, with such like. And in this Plea of Entry there are three degrees: The first is, where a Man demands Lands or Tenements, of his own Seisin, after the term expired: The second is, where one demands Lands or Tenements, let by another, after the Term expired: The third, where one demands Lands or Tenements of that Tenant, who had Entry by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which degrees, the Writs, for more fit remedy, are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ, in the second degree, is called a Writ of Entry *In le Per*; in the third degree, a Writ of Entry *In le per & cui*; and

in the fourth form without these degrees, it is called a Writ of Entry *In le post*; that is, after the Disseisin, which such a one made to such a one. And if any Writ of Entry be conceived out of the Right Cause, so that one form be brought for another, it is abatable. In these four degrees are comprehended all manner of Writs of Entry, which are without certainty and number. Thus far *Britton*, by whom you may perceive, that those words *folet & debet*, and those other, *In le per*, *in le per & cui*, and *In le post*, which we meet with many times in Books shortly and obscurely mentioned, signify nothing else but divers Forms of this Writ, applied to the Case, whereupon it is brought, and each Form taking its name from the words contained in the Writ. Of this read *Fitz. Nat. Br. fol. 193.*

This Writ of Entry differs from an *Affize*, because it lies for the most part against him, who entred lawfully, but holds against Law; whereas an *Affize* lies against him, that unlawfully disseised; yet sometimes a Writ of Entry lies upon an Entrusion. *Reg. of Writs*, fol. 233. b. See the *New Book of Entries*, verbo *Entre Brevis*, fol. 254. col. 3. There is also a Writ of Entry in the nature of an *Affize*. Of this Writ, in all its degrees, see *Fleta*, lib. 5. cap. 34. & seq.

**Entrusion**, (*Intrusio*.) Is a violent, or unlawful, entrance into Lands or Tenements, (void of a Possessor,) by him that hath no right at all to them. *Bracton*, lib. 4. cap. 2. For example, a Man steps into Lands, the Owner whereof lately died, and the right Heir, neither by himself or others, hath as yet taken possession of them. See the difference between *Abator* and *Intruder*, in *Coke on Littl.* fol. 277. Though the *New Book of Entries*, fol. 63. C. latins *Abatement* by this word *Intrusionem*. See *Abatement*, see *Disseisin*, and *Britton*, cap. 65. *Entrusion* is also taken for the Writ brought against an *Intruder*, which see in *Fitz. Nat. Br. fol. 203.*

**Entrusion de Gard**, Is a Writ, that lies, where the infant within Age entred into his Lands, and held his Lord out. For in this Case, the Lord shall not have the Writ *De Communi Custodia*, but this. *Old Nat. Br. fol. 90.*

**Envoice**. See *Invoice*.

**Enure**, Signifies to take place or effect, to be available. Example, a Release shall *Enure* by way of extinguishment. *Littleton*, cap. *Release*. And a Release, made to a Tenant for term of Life, shall *Enure* to him in the Reversion.

**Eques Auratus**, (Lat.) A Knight, so called, because anciently it was lawful for Knights only to beautifie and gild their Armor, and Caparisons for their Horses, with Gold. *Fern's Glory of Generosity*, pag. 102. *Eques Auratus* is not used in Law, but *Chivalier* or *Miles*. *Cokes 4. Inst. fol. 5.*

*Equitatura*,

**Equitatura, (Lat.)** —*Sciant*—quod ego Stephanus de Ebrouis dedi Ecclesie Sancti Leonardi de Pyonia. —*Molendinum meum de Froma* —*Et predicti Fratres habeant Equitaturam* Et *Saccum cum blado vel farina, &c.* Reg. Priorat. de Wormley, fol. 22. a. Penes Ed. Harley Mil. Bal. And it seems to signifie here the liberty of riding or carrying Grytt and Meal from a Mill on Horseback; *Miles cum Equitatura*, is taken for a Knight, with his Horse, Arms and Furniture.

**Equity, (Equitas)** Is the Correction or Qualification of the Law, generally made, in that part wherein it faileth, or is too severe. For, *Ad ea que frequentius accidunt jura adaptantur*: As, where an Act of Parliament is made, That whosoever does such a thing, shall be a Felon, and suffer Death, yet if a Madman, or an Infant of tender years do the same, they shall be excused. Breaking of Prison, is Felony, in the prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on Fire, and they within break Prison to save their lives; this shall be excused by the Law of Reason. So to save my life, I may kill another that assaults me.

**Equus coopertus**, A Horse with Saddle and Furniture on him. —*Inveniendopro quolibet feodo unum Equum coopertum, vel duos discoopertos, &c.* Inq. 16. Ed. 1. de Baronia de Dunham-Massy.

**Erminstreet**, See Watlingstreet.

**Errant, (Errans)** Is attributed to Justices of Circuit. Pl. Cor. fol. 15. and Bailiffs at large. See Justices in Eyre, and Bailiff. See Eyre.

**Errour, (Error)** Signifies more specially an Error in Pleading, or in the Proces. (*Broke, tit. Error.*) Whereupon, the Writ, which is brought for remedy of this over-sight, is called a *Writ of Error*, in Latin, *De Errore Corrigendo*, thus defined by Fitz. Nat. Br. fol. 20. *A Writ of Error doth also lie to redress false Judgment given in any Court of Record, as in the Common Bench, London, or other City, having power (by the Kings Charter, or Prescription) to hold Plea of Debt or Trespass above xx s.* This is borrowed from the French practice, which they call *Proposition d'Erreur*; whereof you may read in *Gregorius de Appell. pag. 36.* In what diversity of Cases this Writ lies, see the Statute of 27 Eliz. cap. 9. Reg. of Writs in the Table, and Reg. Judicial, fol. 34. There is likewise a Writ of Error to Reverse a Fine, *West, par. 2. Symbol. tit. Fines, 151. New Book of Entries, verbo Error.* For preventing Abatements of Writs of Error upon Judgments in the Exchequer, see 16 Car. 2. cap. 2. and 20 Ejsdem, cap. 4. And for Redressing and Prevention of Error in Fines and Recoveries, the Statute of 23 Eliz. cap. 3. for Inrolling them.

**Errore corrigendo.** See Error.

**Esbrancatura, (from the Fr. Esbrancher, i. to cut off the Branches or Boughs.)** —*Qui autem forisfecerit in Foresta Regis de viridi, sive per culpaturam sive per Esbrancaturam, sive per fodi-*

*tionem turbarum, sive per escoriationem mora sive per essatum, &c. erit in misericordia, &c.*

**Escambio, (from the Span. Cambiar, to change)** Is a Licence granted to one, for the making over a Bill of Exchange to another beyond Sea. Reg. of Writs, fol. 194. a. For by the Statute of 5 Rich. 2. cap. 2. no Merchant ought to Exchange, or return Money beyond Sea without the Kings Licence.

**Escape, (from the Fr. Eschapper, i. Effugere.)** Signifies a violent or privy evasion out of some lawful restraint. For example, if the Sheriff, upon a *Capias* directed to him, take one, and endeavour to carry him to the Goal, and he by the way, either by violence or slight, breaks from him; this is called an *Escape*. *Stamf. (lib. 1. cap. 26 & 27. Pl. Cor.)* names two kinds of *Escape*; *voluntary* and *negligent*. *Voluntary*, is when one Arrests another for Felony, or other crime, and afterward lets him go: In which *Escape*, the party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Treason, or Trespass. *Negligent Escape* is, when one is Arrested, and afterward escapes against his will that arrested him, and is not pursued by fresh Suit, and taken again, before the party pursuing hath lost the sight of him. Read *Cromptons Justice*, fol. 36.

**Exchange or Erchange, (Escambium,)** —*Hanc terram cambiavit Hugo Briccino quodammodo tenet Comes Meriton, & ipsum Scambium valet duplum.* Domesday. See Exchange.

**Escheat, (Eschaeta, from the Fr. Escheoir, i. cadere, accidere.)** Signifies any Lands, or other profits, that casually fall to a Lord within his Mannor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general nor special; *Mag. Charta, cap. 31. Fitz. Nat. Br. fol. 143. T. Escheat* is also used sometimes for the place or circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Bract. lib. 3. tract. 2. cap. 2. Pupilla oculi par. 2. cap. 22.* *Escheat*, (thirdly,) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands or Tenements holden of a Superior Lord, dies seised without Heir general or special: In which case the Lord brings this Writ against him that possesseth the Lands, after the death of his Tenant, and shall thereby recover the same in lieu of his services. *Fitz. Nat. Br. fol. 144.* In the same sense, as we say, The Fee is *Escheated*, the Feudists use *Feudum Aperitur*. See *Coke on Littl. fol. 92. b.*

**Escheator, (Escaetor,)** Was an Officer (appointed by the Lord Treasurer,) who observed the *Escheats* due to the King in the County, whereof he was *Escheator* and certified them into the Chancery or Exchequer, and found Offices after the Death of the Kings Tenants, which held by Knights-serve in *Capite*, or otherwise by Knights-serve; he continued in his Office but one year, nor could any be *Escheator* above once in three years, *Anno 1 H. 8. cap. 8. & 3 Ejsdem, cap. 2.* See more of this Officer, and



his Authority, in *Crom. Just. of Peace*. *Fitzherbert* calls him an Officer of Record, *Nat. Br. fol. 100.* because that which he certified by virtue of his Office, had the credit of a Record. *Officium Escaetriae*, is the Escheatorship. *Reg. of Writs, fol. 259. b.* This Office, having its chief dependance on the Court of Wards, is now out of date. See 4 *Inst. fol. 225.* There was also, anciently an *Escheator* of the Jews. *Claus. 4. Ed. 1. m. 7.*

**Escheccum.** Anno 24 Hen. 3. Inter Abbatem S. Albani & Galfridum de Childwic & alias, — *quod habuerunt venationem illam vi aut permissione antecessorum predicti Abbatis vel per Escheccum.* The Gloss. at the end of *Matthew Paris*, (where the Pleadings are to be seen at large, *fol. 538 and 539.*) interprets it *inreparationem Abbatis, venationem & interruptionem*: But *Quere*, if it may not rather signify by chance; (from the Fr. *Escheoir*, to happen or fall out, and not of Right; as when SS itarts a Hare in his own Lordship and pursues the Chace through anothers, in which Case he needs no permission, according to the Law of Huntsmen.

**Eschequer,** (*Scaccarium*, from the Fr. *Eschequier*, *i. Abacus, tabula latoria*, or from the Germ. *Schatz. i. Thesaurus.*) Is a Court of Record, wherein all Causes touching the Revenue of the Crown, are heard and determined, and wherein the Revenue of the Crown is received. *Pel. Virgil, lib. 9. Hist. Angl.* says, the true Word in Latin is *Statarium*, and by abuse called *Scaccarium*. *Cambden* in his *Britan. pag. 113.* saith, This Court, or Office, took name *A Tabula ad quam Affidebant*, the Cloth which covered it, being parti-coloured or *Chequered*. We had it from the Normans, as appears by the *Grand Customary, cap. 56.* where it is thus described, The *Eschequer* is called an Assembly of High Justiciers, to whom it appertains to amend that which the Bailiffs, and other Inferior Justiciers have misdome, and unadvisedly judged, and to do right to all Men without delay, as from the Princes Mouth.

This Court consists of two parts, where one is conversant, especially in the Judicial Hearing and Deciding all Causes pertaining to the Princes Coffers, antiently called *Scaccarium Computorum*; the other is called the *Receipt of the Exchequer*, which is properly employed in the receiving and payment of Money. The Officers belonging to both these, you may find named in *Cam. Brit. cap. Tribunalia Anglia*, to whom I refer you. The Kings *Exchequer*, which now is settled at *Westminster*, was in divers Counties of *Wales*, Anno 27 Hen. 8. *cap. 5. & 26.* See *Orig. Juridicales, fol. 49. and 4 Part. Inst. fol. 103.*

**Escuage,** (*Scutagium*, from the Fr. *Escu*, *i. a Buckler or Shield.*) Signifies a kind of Knights-service, called *Service of the Shield*; the Tenant holding by it, was bound to follow his Lord into the *Scottish or Welsh Wars*, at his own charge. Which is taken away and discharged by Act of Parliament, 12 Car. 2. *cap. 24.* See *Capite and Chivalry.*

**Eskenozes;** (from the Fr. *Escher.*) — *Dicunt etiam* (Juratores,) *quod Latrones & Eskenozes de Terra de Morgannon intraverunt predictam terram de Brekemok, &c.* *Pla. Parl. 20 Ed. 1.* *Robers* or *Destroyers* of other Mens Lands or Fortunes.

**Eskenage.** The Mayor and Aldermen of *Callice*, Petition the King, to Grant them the Affize of Wine, Ale, Beer and Bread, within the Jurisdiction of the same City, called *le Eskenage.* *Rot. Parl. 4 Hen. 4.*

**Eskippamentum,** (*Claus. 1. Ed. 1.*) Whereby the Sea-port Towns were to provide certain Ships, *sumptibus propriis & duplici Eskippamento*, *Sir Rob. Cotton* Englisheth it, double *Skippage*, *i. Double Tackle*, or Furniture, as I suppose.

**Eskippeton.** Shipping, or passage by Sea. *Ceste Endenture faite parente lui noble home Monf. Thomas Beauchamp Comte de Warwyke d'une parte & John Russel Escauer d'autre parte, Tesmoigne, &c. Et que le dit John aura Eskypeoun covenable pour son passage & repassage outre meer, as custages le dit Comte, &c. done a Warwyke, 2 Jan. 50 Ed. 3. And Humfry Earl of Bucks, in a Deed, Dat. 13 Febr. 22. Hen. 6.) Covenants with *Sir Phil. Cherwind*, his Lieutenant of the Castle of *Calais*, to give him allowance for his Souldiers *Skippeson* and *Reskippeson*, *i. Passage* by Ship, and *Repassage*.*

**Einery,** (*Eisneia*, Fr. *Aisneesse*, *i. Dignitas Primogeniti.*) Is a Prerogative allowed the eldest Coparcener to chuse first after the Inheritance is divided. *Fleta, lib. 5. cap. 10. sect. In Divisionem. Salvo capitali Mesuagio primogenito Filio pro dignitate Eisneie sue.* *Glanv. lib. 7. cap. 3. Jus Esneie, i. Jus Primogenitura.* In the Statute of *Marlbridge, cap. 9.* it is called *Initia pars Hereditatis.* See *Coke on Littl. fol. 166. b.*

**Esplees,** (*Expletia*, from *Expleo.*) Are the full Profits, which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable, the Rents, Services, and such like Issues. The Profits comprised under this Word, the *Romans* properly call *Accessiones.* — *Dominus Episcopus habebit omnia expletia & preficua de Corona emergentia.* *Pla. Parl. 30 Ed. 1.*

Note, that in a Writ of Right of Land, *Ad-vowson*, or such like, the Demandant ought to allege in his Count, That he or his Ancestors took the *Esplees* of the thing in demand, else the Pleading is not good. *T. Ley.*

**Esparvarius,** and **Sparverius** (Fr. *Esparvier.*) A Spar-Hawk. *Char. Foresta, cap. 14.* — *Reddit. solut. Willielmo Talboys Arm. ad Manerium suum de Kyme pro omnibus serviciis secularibus unum Esparvarium vel 2 s. per annum ad Festum Sancti Mich. &c.* *Comput. Davidis Gefferon Collect. Redd. de Wragby. Anno 35 Hen. 6.* — *Dicunt quod Ricardus de Hertbulla die quo obiit tenuit Manerium de Poley in Com. War. in Dominico suo ut de feodo per fidelitatem & servitium unius Esparvarii vel 2 s. ad Festum S. Jacobi, &c. Esc. de Anno 19 Edw. 2. num. 53.*

*Esquier.*

**Esquier**, Was originally he, who attending a Knight in time of War, did carry his Shield, whence he was called *Escuier* in French, and *Scutifer* or *Armiger* in Latin: Howbeit this Addition hath not of long time had any respect at all to the Office, or employment of the person to whom it hath been attributed, but been merely a title of dignity, and next in degree below a Knight. Those to whom this title is now of right due, are, All the *Younger Sons* of *Noblemen*, and the *Eldest Sons* of such *Younger Sons*; The *Eldest Sons* of *Knights*, and their *Eldest Sons* successively: The *Four Esquiers* of the *Kings Body*: Those that serve the King in any *Worshipful Calling*, (to use *Camdens Words*) as the *Serjeant Chirurgion*, *Serjeant of the Ewry*, *Master Cook*, &c. Such as are created *Esquires* by the King, with a Collar of S. S. of Silver, as the *Heralds* and *Serjeants at Arms*. The chief of some ancient Families, are likewise *Esquiers* by *Prescription*; those that bear any *Superior Office* in the *Commonwealth*, as *High Sheriff* of any County, who (as some hold) retains the title of *Esquire* during his life, in respect of the great trust he has had, of the *Posse Comitatus*; He, who is a *Justice of Peace*, has it, during the time he is in *Commission*, and no longer; if not otherwise qualify'd to bear it. *Barriers at Law*, in the late Acts of Parliament for Poll-Money, were ranked among *Esquires*, and so were many wealthy Men, (by reason they were commonly reputed to be such,) and paid accordingly. In *Walsingham's History* of *Richard the Second*, we read of one *John Blake*, who is said to be *Juris Apprenticus*, and has the Addition of *Scutifer* there given him; but, whether intituled thereto by reason of that his Profession, or otherwise, does not appear. See *Camd. Brit. fol. 111.* and *2 Inst. fol. 395.*

*A Principe sunt Armigeri vel scripto vel Symbolo vel munere. Scripto, cum Rex sic quempiam constituerit. Symbolo, quum collum ergo alicujus argenteo sigmatico (hoc est torque ex SS confecto) adornaverit, eumve argentatis calcaribus (ad discrimen equitum, qui aureis usi sunt) donaverit. Tales in occidentali Anglie plaga (ut aliquando didici in conventu rei antiquae studiosorum) White Spurs dicti sunt. Munere, cum ad munus quempiam evocaverit, vel in Aula vel in Reipub. Armigero designatum: Cujusmodi multa hodie, patribus nostris incognita. Inter Armigeros qui fiunt (non nascuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis (Esquires of the Body); quos & Equitum filii primogenitis anteponendos asserunt. Thus the Learned Spel. in whose Glossarium you may find mention of another species of Esquires, viz. Esquier boyn de quater Cotes.*

**Omnibus** — *Walterus de Pavely miles filius quondam Reginaldi de Pavely salutem. Novit me obligari Rogero Marmion filio quondam Philippi Marmion omnibus diebus vite sue in una Roba cum pellura de secta Armigerorum meo-*

*rum annuatim ad Festum Nativitatis Domini percipiend. sine aliqua contradictione vel retractione mei vel heredum meorum aut assignatorum. Ad quam quidem solvencem Roba predicta cum pellura annuatim ad terminum supradictum fideliter persolvendum obligo me & heredes meos, bona & catalla nostra mobilia & immobilia ubicunque fuerint inventa in maneris meis in Hundredo de Westbury existentibus vel extra, &c. sine dat. Ex codice M. S. penes Gul. Dugdale Mil.*

**Essart.** See *Assart*.

**Essendi quietum de Tolonio**, Is a Writ that lies for Citizens and Burgeses of any City or Town that have a Charter or Prescription to exempt them from paying Toll through the whole Realm, if it chance that the same is any where exacted of them. *Fitz. Nat. Br. fol. 226.*

**Essoin**, (*Essonium*, from the Fr. *Essonie*, or *Exonnie*. i. *Causarius miles*, he that has his presence forborn or excused upon any just cause, as sickness, or other impediment.) Signifies an alledgment of an Excuse for him that is summon'd, or sought for to appear and answer to an Action real, or to perform Sure to a Court-Baron upon just Cause of absence: It is as much as *excusatio* with the *Civilians*. The Causes that serve to *Essoin* any Man Summon'd, are divers, yet drawn to five Heads, whereof the First is, *ultra mare*; the Second, *de terra sancta*; the Third, *de malo veniendi*, which is also called the *common Essoin*; the Fourth is, *de malo lecti*; the Fifth, *de servitio Regis*. For further knowledge of these, I refer you to *Glazvile, lib. 1. Bracton, lib. 3. tract. 2. per totum, Britton, cap. 122. — 125.* and to *Horn's Mirror, lib. 7. cap. des Essoins*, who mentions some more *Essoins*, touching the Service of the King Celestial, than the rest do. Of these *Essoins* you may read further in *Fleta, lib. 6. cap. 8. & seq.* and, that these came to us from the *Civil-Laws* and the *Normans* is well shewed by the *grand Customary*, where you may find in a manner all that our Lawyers say of this matter, *cap. 39. to 45.*

**Essoins and Profers**, *Anno 32 Hen. 8. cap. 21.* See *Profer*.

**Essoinio de malo lecti**, Is a Writ directed to the Sheriff, for sending four lawful Knights to view one that has *Essoined* himself *de malo lecti*. *Reg. of Writs, fol. 8. b.*

**Estauishment of Dower**, Seems to be the assurance or settlement of *Dower*, made to the Wife by the Husband, or his Friends, before or at Marriage. And *Assignment* is the setting it out by the Heir afterwards, according to the *Establisment*. *Britton, cap. 102, 103.*

**Estache**. Ceste Endenture tesmoynge, que cum il y avoir debate entre eux du soile ou dit A. ad fait planter une Estache de pere & de meryme en Selby-water, &c. Ex Registro de Selby, fol. 51. It seems here to be used for a Bridge, or Stank of Stone and Timber, from the French *Estacher*, to fasten.

**Estandard**,



**Estandard, or Standard,** (Fr. *Estandart*, i. *Signum, vexillum*.) An Ensign for Horsemen in War, and is commonly that of the King, or Chief General: But, it is also used for the Principal or *Standing Measure* of the King, to the scantling whereof all the Measures throughout the Land, are, or ought to be, framed by the Clerks of the Market, Aulneger, and other Officers, according to their several Offices: For it was established by *Magna Charta*, 9 Hen. 3. cap. 9. *That there should be but one scantling of Weights and Measures through the whole Real;* which was confirmed by the Stat. 14 Edw. 3. cap. 12. *From henceforth there shall be one Weight, one Measure, one Yard, according to the Standard of the Exchequer throughout all the Realm.* 17 Car. 1. cap. 19. & 22 Car. 2. cap. It is called a *Standard* with good reason, because it stands constant and immoveable, and hath all other Measures coming towards it for their Conformity, as Souldiers in the Field have their *Standard* or Colours to repair to. Of these Measures read *Britton*, cap. 30.

**Estate,** (Fr. *Estat*, i. *Conditio*.) Signifies especially that Title or Interest which a Man hath in Lands or Tenements, as *Estate simple*, otherwise called *Fee simple*, and *Estate conditional*, or upon condition, which is (according to *Littl. lib. 3. cap. 5.*) either upon *Condition in Deed*, or upon *Condition in Law*; The first is, where a Man by Deed indented, infeoffs another in Fee, reserving to him and his Heirs yearly a certain Rent, payable at one Feast or at divers, upon condition, that if the Rent be behind, &c. it shall be lawful for the Feoffor and his Heirs to enter.—

*Estate upon condition in Law*, is such, as hath a *Condition in Law* annexed to it, though it be not specified in writing: For example, if a Man grant to another by his Deed, the Office of a Parker, for life; This Estate is upon *condition in Law*, or imply'd by Law, viz. If the Parker so long shall well and truly keep the Park, &c. We read also of an *Estate particular*, which is an Estate for life, or for years. *Perkins, Surrenders* 581.

**Esterling.** See *Sterling*.

**Estoppel,** (from the Fr. *Estouper*, i. *Oppilare, Obstipare*.) Is an impediment, or bar of an Action, growing from his own Fact, who hath, or otherwise might have had, his Action. *Fitz. Nat. Br. fol. 142. k.* And *Broke, hoc titulo Coke, lib. 2. Casu Goddard* defines an *Estoppel* to be a bar or hindrance to one to plead the truth, and restrains it not to the impediment given a Man by his own act only, but by anothers also. *Lib. 3. Case of Fines, fol. 88.* There are three kinds of *Estoppel*, viz. By matter of *Record*, by matter in *Writing*, and by matter in *Parol*; Of which see *Coke on Littl. fol. 352. a.*

**Estovers,** (*Estoveria*, from the Fr. *Estover*, i. *Fovere*.) Signifies nourishment, or maintenance: *Bracton, (lib. 3. tract. 2. cap. 18. num. 2.)* uses it for that sustenance, which a Man, apprehended for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment; And the Stat. 6 Edw. 1. cap. 3. useth it for an allowance in Meat or Cloth. It is also used for certain allowances of Wood, to be taken out of another Mans Woods, *Westm. 2. cap. 25. 20 Car. 2. cap. 3. West, p. 2. Symbol. tit. Fines. Sect. 26.* says, *Estovers* comprehends *House-bote, Hay-bote* and *Plow-bote*; As, if one hath in his Grant these general words, *De rationabili Estoverio in boscu, &c.* He may thereby claim these three. In some Mannors the Tenants have Common of *Estovers*, that is, necessary Botes out of the Lords Woods. *Rationabile Estoverium.* See *Alimony*.

**Estray,** (from the old Fr. *Estrayeur*, Lat. *Extrahura*. *Pecus quod elapsum à custode campos pererrat, ignoto Domino*.) Signifies any Beast that is not wild, found within any Lordship, and not owned by any Man; in which Case, if it be Cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a Day, it is the Lords of the Soil. See *Britton*, cap. 17. See *Estrays* in the Forest, *Anno 27 Hen. 8. cap. 7. New Book of Entries, verbo, Trespass concernant Estrey.* The ancient Law of K. Inas was, — *Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundredi vel hominum Decemna.* i. Sutors to the Court-Lect. This is *Decima in Spel*.

**Etreat,** (*Extractum*.) Is used for the Copy or true Note of an Original Writing; and especially of Amerciaments, or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offence. See *Fitz. Nat. Br. fol. 57, & 76.* And so it is used, *Westm. 2. cap. 8.*

**Clerk of the Etreats.** See in *Clerk*.

**Estrepe,** (Fr. *Estropier*, i. *Mutilare*.) To make spoil by a Tenant for Life in Lands or Woods to the prejudice of him in Reversion.

**Estrepement, or Estrepement,** (From the Fr. *Estropier*, ut *supra*.) Signifies spoil made by the Tenant for life upon any Lands or Woods to the prejudice of him in Reversion, *Stat. 6 Edw. 1. cap. 13.* And, it may seem by the derivation, that *Estrepement* is properly the unreasonable soaking, or drawing away the heart of the Land, by Plowing and Sowing it continually, without Manuring, or other good Husbandry; And yet *Estropier*, signifying *mutilare*, may no less properly be applied to those that cut down Trees, or lop them farther than the Law allows. It signifies also a Writ, which lies in two Cases, the one, when a Man (having an Action depending, as a *Formdon, Dunt fuit infra atatem, Writ of right*, or such like, wherein the Demandant is not to recover Damages,) sues, to inhibit the Tenant from making waste, during the Sute. The other is for the Demandant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ *Habere facias possessionem*, for fear of waste to be made before he can

can get possession, sues out this Writ. See more in *Fitz. Nat. Br.* fol. 60 & 67. *Reg. of Writs*, fol. 76. And *Reg. Judic.* fol. 38. In ancient Records we often find *Vastum & Estrepamentum facere. Videturque Estrepamentum gravius Vastigenus designare. Spel.*

**Etheling**, or **Etheling**, in the Saxon signifies Noble, and it was (among our English Saxons) the title of the Prince, or Kings Eldest Son; as we read in *Camden*,

**Edgar Etheling England's dearling.**

**Everwicshire**, *Yorkshire*, anciently so called. *Willielmus Rex Angliæ Thomæ Archiepiscopo & Bertramo de Verdon & Baronibus suis Francis & Angliis de Everwicshire, &c. Carta Will. Conq.* It is also written *Ewyrescire* in *Rot. Magno*, 30 Hen. 2. And elsewhere *Eborescira*.

**Evidence**, (*Evidentia*.) Is used generally for any proof, be it testimony of Men, Records, or Writings. *Sir Tho. Smith* hath these words, (*Lib. 2. cap. 17.*) Evidence in this signification is Authentical Writings of Contracts, Written, Sealed, and Delivered. And (*Lib. 2. cap. 23.*) speaking of the Prisoner that stands at the Bar to plead for his life, he says thus; *Then he tells what he can say for himself; after him likewise all those, who were at the apprehension of the Prisoner, or, who can give any Indices or Tokens, which we call in our Language Evidence, against the Malefactor.* It is called Evidence, because thereby the point in Issue is to be made evident to the Jury; *probationes debent esse evidentes. i. Perspicue & faciles.* See *Coke on Littl.* fol. 283.

**Ewagium**. *Carta Regis Johannis Deo & B. Johanni & hominibus de Beverlaco, quod sint quieti de Theclonio, Scutagio, Passagio, Pesagio, Lastagio, Stallagio & de Wree & de Logan, de Ewagio & de Lene, &c. Hill. 14. H. 3. In The-lauro Rex Scacc. Ebor. Rot. 15.*

**Exactor Regis**, The Kings Exactor; *Qui publicas pecunias, tributa, vestigalia, & res fisco debitas exegit.* Sometimes taken for the Sheriff. *Hoc enim sensu, niger liber Scac. par. 1. cap. ult. Tabulas, quibus vicecomes censum Regium colligit, Rotulum Exactorium vocatur.*

**Examiners in the Chancery**, (*Examinatores*.) Are two Officers, that examine, upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Sute do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examin'd also by them.

**Excambiator**, Was antiently used for an Exchanger of Land — *Ita quod unusquisque eorum qui damna sustinuit aliquo casu contingente, quod Excambiator refundat dampna, misas & expensas quocumque casu proveniente.* *Ex libro Cartarum Priorat. Lcominstr. de anno 2 Edw. 2.*

**Exception**, (*Exceptio*.) Is a stop or stay to an Action, being used in the Civil and Common Law both alike, and in both divided into

dilatory and peremptory. Of these see *Bracton*, lib. 5. *Tract. 5. per totum.* And *Britton. cap. 91, 92.*

**Exchange**, (*Cambium vel excambium*.) Is used peculiarly for that compensation, which the Warrantor must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee. *Bracton lib. 2. cap. 16. and lib. 1. cap. 19.* It signifies also generally as much as *permutatio* with the Civilians, as the *Kings Exchange*, *Anno 1 Hen. 6. cap. 1 & 4.* — *9 Ed. 3. Stat. 2. cap. 7.* which is the place appointed by the King for Exchange of Plate or Bullion for the Kings Coyn. These places have been divers heretofore, as appears by the said Statutes; but, now there is only one, viz. the *Tower of London*, conjoynd with the Mint; which, in time past, might not be, as appears by *1 Hen. 6. cap. 4.*

**Exchanged**, Are those that return Money beyond Sea by Bills of Exchange, which (by the *Stat. 5 Rich. 2. cap. 2.*) ought not to be done without the Kings Licence. See *Excambiator*.

**Eschequer**. See *Eschequer*.

**Excise**, (from the Belgic *Accisse*, *tributum*.) Is a Charge, or Imposition, laid upon Beer, Ale, Sider, and other Liquors within the Kingdom of England, Wales and Berwick, by Act of Parliament, *12 Car. 2. cap. 13.* during the Kings life, and, according to the Rates in the said Act mentioned. See *13 Car. 2. cap. 13.* — *15. ejusdem. 9.* And *17 ejusdem, cap. 4.*

**Excommengement**, (*Anno 23 Hen. 8. cap. 3.*) Is in Law-French, the same with Excommunication.

**Excommunication**, (*Excommunicatio*.) Is a Censure inflicted by the Canon or Ecclesiastical Judge; depriving the person offending from the lawful Communion of the Sacraments, and sometimes of the liberty, of even conversing with the faithful. And it is divided, *In majorem & minorem: Minor est, per quam quis a Sacramentorum participatione conscientia vel sententia arcetur. Major, quæ non solum a Sacramentorum, verum etiam fidelium, Communione excludit, & ab omni actu legitimo separat & dividit.* *Venatorius de Sent. Excom.* Thus antiently, *Auctoritate Dei Patris omnipotentis & Filii & Spiritus Sancti; & beata Dei genetricis Mariæ, omniumque Sanctorum, Excommunicamus, Anathematizamus, & a limitibus sanctæ Mariæ Ecclesiæ sequestramus illos malefactores, N. consentaneos quoque & participes; & nisi respuerint, & ad satisfactionem venerint, sic extinguatur lucerna eorum ante viventem, in sæcula sæculorum. Fiat, fiat. Amen.* *Ex Emendat. Legum Wil. Conquestor. in lib. vocat. Textus Rossensis.*

**Excommunicato Capiendo**, Is a Writ directed to the Sheriff, for apprehending him who stands obstinately Excommunicated Forty days: For the contempt of such a one, not seeking absolution, may be certified or signified into Chancery, whence issueth this Writ, for the laying him up without Bail or Mainprife, until



he conform himself. *Fitz. Nat. Br. fol. 62. Anno 5 Eliz. cap. 23. and Reg. of Writs, fol. 65.*

**Excommunicatio Deliberande**, is a Writ to the Under-Sheriff for Delivery of an Excommunicate Person out of prison, upon Certificate from the Ordinary of his Conformity to the Jurisdiction Ecclesiastical, *Fitz. Nat. Br. fol. 63. Reg. of Writs, fol. 67.*

**Excommunicatio Recipiendo**, Is a Writ, whereby persons excommunicate, being for their obstinacy committed to prison, and unlawfully delivered thence, before they have given caution to obey the Authority of the Church, are commanded to be sought for, and laid up again. *Reg. of Writs, fol. 67. a.*

**Executione Facienda**, Is a Writ, commanding Execution of a Judgment, the divers uses whereof, see in the Table of *Register Judicial.*

**Executione facienda in Wiltbernamium**, Is a Writ that lies for the taking his Cattle, who formerly had conveyed out of the County the Cattle of another: So that the Bailiff, having authority from the Sheriff to Replevy the Cattle to conveyed away, could not execute his charge, *Reg. of Writs, fol. 82. b.*

**Execution**, (*Executio*.) Signifies the last performance of an Act, as of a Fine or Judgment. *Execution of a Fine*, is the obtaining Actual Possession of the things contained in it, by virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see *Writ at large. Par. 2. Symbol. rit. Fines, sect. 137.* Executing of Judgments, Statutes, and such like, see in *Fitz. Nat. Br. in Indice 2. verbo, Execution.* — *Coke (vol. 6. casu Blumfield, fol. 87. a.)* makes two sorts of Executions; one final, another with a *quousque*, tending to an end. An *Execution Final*, is that which makes Money of the Defendants Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in satisfaction, and is the end of the Sure, and all that the Kings Writ commands to be done. The other Writ, with a *Quousque*, is tending to an end, but not final, as in the Case of *Capias ad Satisfaciendum*, &c. which is not final, but the Body of the party is to be taken, to the intent, to satisfy the Demandant, *Idem, ibid.*

**Executor**, (*Executor*.) Is he that is appointed by any Mans last Will and Testament, to have the Execution thereof, and the disposing of all the Testators substance, according to the tenor of the Will. See the *Duty of Executors*, a Book so entituled.

**Executor de son tort**, Or, of his own wrong, is he that takes upon him the Office of an Executor by intrusion, not being to constituted by the Testator, or deceased, nor (for want of such Constitution) authorized by the Ordinary to Administer. How far he shall be liable to Creditors, see 43 *Eliz. cap. 8. Dyer 166.* and the *Duty of Executors, cap. 14.*

**Exemplification of Letters Patent** (*An. 13 Eliz. cap. 6.*) Is a copy or example of Letters Patent, made from the Inrolment thereof, and sealed with the Great Seal of England; which Exemplifications are as effectual to be shewed or pleaded, as the Letters Patent themselves. Nothing but matter of Record ought to be exemplified. 3 *Inst. fol. 173.* See *Pages Case, 5 Rep.*

**Exemplificatio**, Is a Writ granted for the Exemplification of an Original. See *Reg. of Writs, fol. 290.*

**Exercitiale**, Was anciently used for a Heriot. *Exercitiale Vironis sive Baronis Regis, qui est proximus ei, quatuor equi. LL. Edw. Conf.*

**Et gravi Querela**, Is a Writ that lies for him, to whom any Lands or Tenements in Fee (within a City, Town, or Borough, wherein Lands are deviseable) are devised by Will, and the Heir of the Devisor enters, and detains them from him. *Reg. of Writs, fol. 244. Old. Nat. Br. fol. 87.* See *Fitz. Nat. Br. fol. 198. L.*

**Exhibit** (*Exhibitum*.) When any Deed, Acquittance, or other writing, is in a sute in Chancery exhibited to be proved by Witnesses, and the Examiner certifies on the back of it, that the Deed was shewed to such a one at the time of his Examination, this is there called an Exhibit. The word is mentioned *Anno 14 Car. 2. cap. 14.*

**Exigendaries of the Common Bench**, (*Exigendarii de Banco Communi*.) Are otherwise 10 *Hen. 6. cap. 4.* called *Exigenters*, which *Vide.*

**Exigent**, (*Exigenda*.) Is a Writ that lies, where the Defendant in an Action Personal cannot be found; nor any thing of his within the County, whereby to be attached or distrained, and is directed to the Sheriff, to proclaim and call him five County days one after another, charging him to appear under pain of Outlary. This Writ also lies in an Indictment of Felony, where the party indicted cannot be found. *Smith de Repub. Angl. lib. 2. cap. 19.* It is called an *Exigent*, because it exacteth the party, that is, requires his appearance or forth-coming to answer the Law; for if he come not at the last days Proclamation, he is said to be *Quinquies Exactus*, and then is Outlawed. *Crompt. Jurisd. fol. 188.* See the *New Book of Entries, verbo, Exigent.*

**Exigenters**, (*Exigendarii*.) Are four Officers of the Court of Common Pleas, who make all *Exigents* and Proclamations in all Actions, wherein Process of Outlary lies, and Writs of *Superfedeas*, as well as the Pronotaries, upon such *Exigents* as were made in their Offices. 18 *Hen. 6. cap. 9.* But the making the Writs of *Superfedeas*, is since taken from them by an Officer in the Court of Common Pleas, erected by King James, by his Letters Patent in the later end of His Reign.

**Et mero motu**, (*Lat.*) are formal words used in the Kings Charters, and Letters Patent, signifying.

signifying, that he does what is contained therein *Of his own will and motion*, without Petition or Suggestion made by any other; And the effect of these words is to Bar all Exceptions, that might be taken to the Instrument, wherein they are contained, by alledging, that the Prince in passing such a Charter was abused by false suggestion. *Kitchin, fol. 352.*

**Ex Officio.** By virtue of a Branch of the Stat. 1 *Eliz. cap. 1.* the Queen, by Her Letters Patent might authorise any Person or Persons, &c. To administer an Oath *Ex Officio*, (so called, because the Ecclesiastical Judge did it *ex Officio suo*;) whereby the supposed Delinquent was compelled to confess, accuse or purge himself of any criminal matter, and thereby be made liable to censure or punishment, &c. The Branch of which Statute relating to the said Oath is repealed, 17 *Car. 1. cap. 11.*

**Exoneracione Sente,** Was a Writ that lay for the Kings Ward to be disburdened of all suits, &c. to the County, Hundred, Leet, or Court Baron, during the time of his Wardship. *Fitz. Nat. Br. fol. 158.*

**Ex Parte,** (Lat.) Partly, or of one part. In the Court of Chancery it hath this signification; A Joyn-Commission is that wherein both Plaintiff and Defendant joyn; A Commission *Ex parte*, is that which is taken out and executed by one Party only.

**Ex parte talis,** Is a Writ that lies for a Bailiff or Receiver, who, having Auditors assigned to hear his account, cannot obtain of them reasonable allowance, but is cast into Prison by them. *Fitz. Nat. Br. fol. 129.* The course in this Case is, to sue this Writ out of the Chancery, directed to the Sheriff, to take four Mainpernors to bring his Body before the Barons of the Exchequer, at a day certain; and, to warn the Lord to appear at the same time.

**Expectant,** Used with this word *Fee*, differs from *Fee-simple*: For example, Lands are given to a Man and his Wife in Frank-Marriage, To hold to them and their Heirs; In this case they have *Fee-simple*; But, if it be given to them, and the Heirs of their Body, &c. they have Title, and *Fee-expectant*. *Kitchin, fol. 153.*

**Explees.** See *Esplees*.

**Expeditate,** (*Expeditare vel expaltare*;) In the Forest Laws signifies to cut out the Ball of great Dogs fore-feet, for preservation of the Kings Game. Every one that keeps any great Dogs, not *expeditated*, forfeits three shillings to the King. The Ball of the foot of Mastiffs is not to be cut off, but the three Claws of the fore-foot to the skin. 4 *Part. Inst. fol. 308.*—*Nullus Dominicos canes Abbatibus & Monachorum expaltari cogat.* Charta, Hen. 3. Abbatibus de Rading. — *& sint quieti de expeditamentis canum.* Ex magno Rot. Pipe, de Anno 9 Ed. 2.

**Expeditors,** (Anno 37 Hen. 8. cap. 11.) Seems to signify those that pay, disburse, or expend the Tax in the said Statute mentioned, Anno 7 Jac. cap. 20. Paymasters.

**Expensis milicium levandis,** Is a Writ di-

rected to the Sheriff, for levying allowance for the Knights of the Parliament, *Reg. of Writs, fol. 191. b.*

**Explozator,** A Scout. — In memoriam *Henrici Croft Equitis aurati Explozatoris in Hibernia generalis, qui obiit Anno 1609.* Scoutmaster-general. Also a Huntsman or Chaser. — *Idem Abbas habens Explozatores suos statim ponere fecit retia, &c.* In *Itin. Pickering, 8 Edw. 3. Rot. 4.*

**Extend,** (*Extendere*;) To value the Lands or Tenements of one bound by Statute, &c. that has forfeited his Bond, to such an indifferent rate, as by the yearly Rent, the Creditor may in time be paid his Debt; The course, and circumstances of this see in *Fitz. Nat. Br. fol. 131.*

**Extendi facias,** Is ordinarily called a *Writ of Extent*, whereby the value of Lands is commanded to be made and levied in divers cases, which see in the *Table of the Register of Writs.*

**Extent,** (*Extenta*;) Sometimes signifies a Writ, or Commission to the Sheriff for the valuing of Lands or Tenements; Sometimes the Act of the Sheriff, or other Commissioner upon this Writ. *Broke tit. Extent. fol. 313. Anno 16 & 17 Car. 2. cap. 5.*

**Extinguishment,** (from *Extinguo*;) Signifies an effect of Consolidation: For example, if a Man have an yearly Rent due to him out of my Lands, and afterwards purchase the same Lands, now both the Property and Rent are consolidated, or united in one Possessor, and therefore the Rent is said to be *extinguished*. So, where a Man has a Lease for years, and afterwards buys the Property, this is a Consolidation of the Property of the Fruit, and an *Extinguishment* of the Lease. And, if there be Lord, Mesn and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is *extinct*; but, the Mesn shall have the surplussage of the Rent, if there be any, as Rent-leave. *Terms ley.*

**Extirpatione,** Is a Writ judicial that lies against him, who, after a Verdict found against him for Land, &c. do maliciously overthrow any House, or extirpate any Trees upon it; And it is two-fold; one *ante judicium*, the other *post judicium*. *Reg. judicial. fol. 13. 56. 58.*

**Extortion,** (*Extortio*;) Is an unlawful or violent wringing of Money, or Money-worth from any Man. For example, if an Officer, by terrifying another in his Office, take more than his ordinary Fees or Duties, he commits, and is Indictable of this offence: To this, (in *Wests Judgment*;) may be referr'd the exaction of unlawful Usury, winning by unlawful Games, and (in one word) all taking of more than is due, by colour or pretence of right; as excessive Toll in Milners, excessive prizes of Ale, Bread, Victuals, Wares, &c. *Part 2. Symb. rit. Indictments, Sect. 65.* — *Manwood,* (Part 1. pag. 216.) says, Extortion is *colore Officii*, not *virtute Officii* — *Crompton* (in his *Justice of Peace*, fol. 8.) says to this effect, Wrong done by



by any Man is properly a Trespass, but excessive wrong is called *Extortion*; and, this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by colour of their Office, do greatly oppress and wrong the Kings Subjects, in taking excessive Rewards or Fees, for executing their Office; In the same Author fol. 48. you may see great diversity of Cases touching *Extortion*. See also 3 Part. Inst. fol. 149.

*Extracs.* See *Estreats*.

*Extrajudicial*, Is when Judgment is given in a Cause or Case not depending in that Court, where such Judgment is given, or wherein the Judge has not Jurisdiction.

*Extra-parochial*, Out of any Parish, Privileged or exempt from the Duties of a Parish. Stat. 22 & 23 Car. 2. of Subsidy.

*Every of Hawks.* See *Acry*.

*Eyre*, (*Insuletta*.) A little Island; I have seen it corruptly written in some modern Conveyances, *Eyht*.

*Eyre.* See *E're*.

## F.

**F.** He that shall maliciously strike any Person with a Weapon in Church or Church-yard, or draw any Weapon there with intent to strike, shall have one of his Ears cut off; and, if he have no Ears, shall be marked on the Cheek with a hot Iron, having the Letter F. whereby he may be known for a *Fray-maker* or *Fighter*. Anno 5 & 6 Edw. 6. cap. 4.

*Fabrick-Lands*, Are Lands given towards the Maintenance, Rebuilding or Repair of Cathedrals, or other Churches, and mentioned in the Act of Oblivion, 12 Car. 2. cap. 8. In ancient time almost every one gave by his Will more or less to the *Fabrick* of the Cathedral or Parish-Church where he liv'd. — In Dei Nomine, Amen. Die Veneris, Anno Dom. 1423. Ego Ricardus Smyth de Bromyard condo Testamentum meum in hunc modum, Imprimis lego animam meam Deo & beate Mariæ & omnibus Sanctis, Corpusque meum sepeliendum in Cemeterio Beate Edburgæ de Bradway. Item lego Fabricæ Ecclesiæ Cathedralis Hereford. xii d. Item lego Fabricæ Capelle Beate Mariæ de Bromyard xl d. Item lego Fratribus de Wodkouse xx d. Residuum vero bonorum, &c. These *Fabric-lands* the Saxons called *Timber-lands*.

*Faculty*, (*Facultas*.) As it is restrained from the Original and Active Signification, to a particular understanding in Law, is used for a privilege or special power granted to a Man by favour, indulgence and dispensation, to do that, which by Law he cannot; as, to eat Flesh upon days prohibited, to Marry without Banes first asked, &c. Anno 28 Hen. 8. cap. 16.

The Court of *Faculties* belongs to the Archbishop of Canterbury, and his Officer is called *Magister ad Facultates*: His power is to grant Dispensations, as, to Marry, to eat Flesh on days prohibited; the Son to succeed his Father in

his Benefice; one to have two or more Benefices incompatible, &c. This Authority was given by the Statute 25 Hen. 8. cap. 21. See 4 Part. Inst. fol. 337.

*Faint*, alias *Feint-Action*, (Fr. *feint*.) Is as much as *Fained-Action*; that is, such an Action, as albeit the Words of the Writ be true; yet, for certain causes, he has no Title to recover thereby: And, a false action is, where the Words of the Writ are false. Coke on Lit. fol. 361. yet sometimes they are confounded.

*Faint-Pleader*, (from the Fr. *Feinte*, *Falsus*.) Signifies a false, covinous or collusory manner of pleading, to the deceit of a third party, 34 & 35 Hen. 8. cap. 24.

*Faint-pleading.* See *Beaupleder*.

*Faitours*, (a French word, antiquated, or somewhat traduced; for, the modern French is *Faiseur*. i. *Factor*.) Is used in the Stat. 7 R. 2. cap. 5. in the evil part, signifying a bad Doer; or, it may not improbably be interpreted an idle Liver, taken from *faitardise*, which signifies a kind of num or sleepy Disease; proceeding of too much sluggishness, which the Latines call *Veternus*: For, in the said Statute it seems to be a Synonymon with *Vagabond*.

*Falda*, A Sheepfold. — *Et quod oves sint levantes & cubantes in propria falda Canonico-rum predictorum*. Rot. Cart. 16 Hen. 3. m. 6.

*Faldage*, (*Faldagium*.) Is a privilege which many Lords anciently retained to themselves, of setting up Sheep-folds, or Pens, in any Fields within their Mannors, the better to manure them; and this not only with their own, but with their Tenants Sheep, which is called *Secta falde*; This *Faldage* is call'd in some places a *Fold-course*, or *Free-fold*; and, in some ancient Charters *Fald-loci*. i. *Libertas falde*, or *Libertas faldagii*. — *Rogerus Rusteng concessit Ecclesiæ B. Mariæ de Wymondham 40 acras terræ in Scarnelune, cum dimidia Fald-loci, &c. Chartular. Monasterialis Ecclesiæ predictæ*. pag. 48. — *De Faldagio habendo ad ducentos bidentes; ad plus, in villa de Athburgh.* Mon. Angl. 2 Par. fol. 275. a.

*Faldsey*, — *W. M. tenet ix acras terræ Customariæ in Bosbury & quoddam molendinum aquaticum ad voluntatem Domini, & debet quasdam consuetudines, viz. Tak & Toll & Faldsey, & sanguinem suum emere.* Liber niger Heref. fol. 158. I suppose it may signifie a Fee or Rent, paid by a Tenant to his Lord, for leave to Fould his Sheep on his own Ground. See *Faldage*.

*Falera*, (Lat. *Phalera*.) — *cum Bigis & Curris & cateris Faleris*. 2 Mon. Angl. fol. 256. b. The Tackle and Furniture of a Cart or Wayn.

*Falesia*, & *Falazia*, (Fr. *Falaize*.) A Bank, Hill, or Down by the Sea-side. Coke on Litt. fol. 5. b.

*Falkesnote*. See *Folcmote*.

*Falkland*, alias *Folklaunt*. See *Copyhold* and *Freehold*.

*Fallow-land*, (Sax. *Fealga*. See *Warectum*. *Falfe*

**Falſe Impriſonment,** Is a Treſpaſs committed againſt a man, by Impriſoning him without lawful cauſe; It is alſo uſed for the Writ brought upon this Treſpaſs. *Fitz. Nat. Br. fol. 86. K. and 88. P. vide Broke, and New Book of Entries, verbo, Falſe Impriſonment.*

**Falſe Prophecies.** See Prophecies.

**Falſo retorno brevium,** Is a Writ lying againſt the Sheriff, for falſe returning of Writs. *Reg. judicial. fol. 43. b.*

**Faliſſe,** Seems to ſignifie as much as to prove a thing to be falſe. *Perkins, Dower. 383, 385.* Alſo to ſay or do falſly; as to falſific, or counterfeit, the Kings Seal. *Rex—Vic. Lincoln. Scias quod dedimus Ade de Eſſex Clerico noſtro, pro ſervicio ſuo, omnes terras & tenementa qua fuerunt Will. de Scrubby, cujus terra & tenementa ſunt excaeta noſtra, per Feloniam quam fecit de falſificatione Sigilli noſtri. T. apud Linc. 28. Nov. &c. Clauſ. 6 Joh. m. 12. in dorſo.*

**Falſonarius, a Forger,** —*Et quod falſonarios Chyrtarum, & reſonſores denariorum, ubi eos ſciunt, detegent. Hoveden fol. 424. n. 40.*

**Familia,** Pro hida, maſſa, manſa, carucata. —*Donavit terram quinquaginta Familiarum ad conſtruendum Monafterium. Beda Hiſt. Eccl. lib. 4. cap. 3.* This term Hide, is, by our Writers, ſometimes called a *Maſſe*, ſometimes a *Family*, ſometimes *Carucata*, or a Plough-land; containing as much as one Plough and Oxen could cultivate in a year. *Creſſy's Church-Hiſt. fol. 723. b. Ubi Beda Familiam, Saxonius ejus interpres coſtantes paſſim hide redderet, Anglo-Normannis Carucata terræ. Gloſſ. in Script.*

**Faonatio,** (from the Fr. *Faonner*,) a fawning, or bringing forth young, as Does do Fawns. *Carta Foreſtæ, cap. 8.*

**Farandam,** (Sax. *Faſſan*, to Travel,) A Merchant-Stranger, or Pilgrim; to whom, by the Laws of Scotland, Juſtice ought to be done with all expedition, that his buſineſs or journey be not hinder'd. *Skene, lib. de Jure Burgenſi, cap. 140.*

**Fardel of Land,** (*Fardella terræ*.) Is (according to ſome Authors) the fourth part of a Yardland. Yet Noy, (in his *compleat Lawyer*, pag. 57.) ſays, Two Fardels of Land make a Neck, and four Nooks make a Yard-land.

**Farding, or Farthing of Gold,** (*quasi fourth-thing*.) was a Coin uſed in ancient times, containing in value the fourth part of a Noble, viz. xx d. Silver, and in weight the ſixth part of an Ounce of Gold, that was, of 5 s. in Silver; mention'd 9 H. 5. Stat. 2. cap. 7. thus; Item, that the King do to be ordained good and juſt weight, of the Noble, half-Noble, and Farthing of Gold, with the rates neceſſary to the ſame, for every City, &c. Whereby it plainly appears to have been a Coin; as well as the Noble and half-Noble.

**Farding-deal,** (Sax. *Feoſd*. i. *quarta & del*, or *deale pars*.) alias *Farundel* of Land, (*Quadrantata terræ*.) Signifies the Fourth part of an Acre. *Crom. Jur. fol. 220. Quadrantata terræ,*

is read in the *Reg. of Writs*, fol. 1. b. where you have alſo *Denariata & obolata, ſolidata & librata terræ*, which muſt probably riſe in proportion of quantity from the *Farding-deal*, as an Half-penny, Penny, Shilling or Pound riſe in value; Then muſt *Obolata* be half an Acre, *Denariata* an Acre, *Solidata* Twelve Acres, and *Librata* Twelve Score Acres; yet, I find *Viginti librata terræ vel redditus*. *Reg. fol. 94. a.* and fol. 248. b. whereby it ſeems *Librata terræ*, is ſo much as yields xx s. per annum; and, *Centum ſolidatas terrarum, venementorum & reddituum*, fol. 249. a. See *Furlong*. Others hold *Obolata* to be but half a Pearch, and *Denariata* a Pearch, See *Spelmans Gloſſ. verbo, Obolata terræ*. —*Sciatis me Rogerum de Ichtefeld dediffe — Medietatem unius Feorwendel terræ de meo dominio, &c. Mon. Angl. 2. pa. fol. 913. b. At Monkland in Herefordſhire, they call it a Verndal of Land.*

**Fare,** (Sax.) A Voyage or Paſſage; or the Money paid for paſſing by Water. *Anno 2 & 3 Ph. & Ma. cap. 16.*

**Farinagium,** —*Et quod de cetero Molendinarius non capiatur Farinagium, &c. Ordinatio-nes Juſt. Itin. in infula de Jerſey, 17 Edw. 2.* It ſeems to ſignifie Töll of Meal or Flower.

**Farley or Farlet,** In the Mannor of *Weſt Slapton in Com. Devon*. if any Tenant die poſſeſſed of a Cottage, he is by the Cuſtom to pay to the Lord Six pence for a Farley. Which I ſuppoſe may be in Lieu of a Heriot: For in ſome Mannors Weſtward, they diſtinguiſh *Farleu* to be the beſt good, as *Heriot* is the beſt Beaſt, payable at the Tenants Death.

**Farm,** (From the Sax. *Feoſme*, i. *Food*.) *Reditus eſt qui in elocandis prædiis Domino elocanti reſervatur.* See *Ferm*, and *Spelm. Gloſſ. verbo, Firma*.

**Farthing of Land,** (Sax. *Feoſthling*.) Seems to be ſome great quantity, and to differ much from *Fardingdeal*: For I find in a Survey Book of the Mannor of *Weſt Slapton in Devonſhire*, entred thus. *A. B. holds ſix Farthings of Land at 126 l. per annum*; ſome hold it to be a Yardland. See *Fardel*, *Fardingdeal*, and *Farding*.

**Fat or Clatr,** Is a great Wooden Veſſel, which among Brewers and Maulſters, is uſed to meaſure Mault for expedition, containing a Quarter or Eight Buſhels. *Stat. 1 Hen. 5. cap. 10. and 11 Hen. 6. cap. 8.* It is likewise a Veſſel or Pan of Lead, for the making Salt, at *Droitwich*.

**Fathwit,** (LL. Hen. 1. cap. 70.) Perhaps the ſame with the Sax. *Fenth-vode*. i. *Factionum ſeu inimicitiarum multa ſeu compenſatio*.

**Fautores,** (*Anno 16 Rich. 2. cap. 5.*) Favorers, ſupporters, or maintainers.

**Fealty,** (*Fidelitas*, Fr. *Faulte*, i. *Fides*.) Signifies an Oath taken, at the admittance of every Tenant, to be true to the Lord of whom he holds his Land: And he that holds Land, by this only Oath of Fealty, holds in the freeſt manner; becauſe, all that have Fee, hold *per fidem & fiduciam*, that is, by Fealty at the leaſt.



*Smith de Repub. Angl. lib. 3. cap. 8.* This Fealty is also used in other Nations, as in Lombardy and Burgundy. *Cassanov. de consuetud. Burgund. pag. 419.* And indeed, as the very first creation of this tenure grew from the love of the Lord towards his Followers; so did it bind the Tenant to Fidelity, as appears by the whole course of the Feods; and the breach thereof, is loss of the Fee. *Hotoman in his Commentaries, de verbis Feudalibus,* shews a Double Fealty, one general, to be performed by every Subject to his Prince; the other special, required only of such, as in respect of their Fee, are tied by this Oath towards their Land-lords; we read of both in the Grand Customary of Normandy, &c.

Fealty special is with us performed, either by Freemen or by Villains; the form of both see, *Anno 17. Edw. 2.* in these Words, **When a Freeman shall do Fealty to his Lord, he shall hold his right hand upon a Book, and shall say thus, Hear you my Lord R. that I. P. shall be to you, both faithful and true, and shall owe my Fealty to you for the Land that I hold of you, at the terms assigned. So help me God, and all his Saints. When a Villain shall do Fealty to this Lord, he shall hold his right hand over the Book, and say thus, Hear you my Lord A. that I. B. from this day forth, unto you shall be true and faithful, and shall owe you Fealty, for the Land that I hold of you in Villanage, and shall be justified by you, in Body and Goods: So help me God, and all his Saints.** See Reg. of Writs, fol. 302. a. *Fidelitas est fidei, obsequii & servitii ligamen, quo generaliter subditus Regi, particulariter vassallus domino astringitur.* Spelm.

**Feda.** — Item sciendum est quod quatuor virgate terre & demid. debent seminare & arare novem Seviones terra, in quibus seminabunt novem Trugas frumenti, quae vocatur Feda. Liber niger Heref. fol. 53.

**Fee,** (*Feodum alias Feudum.*) Is applied to all those Lands and Tenements, which we hold by perpetual right, and by an acknowledgment of any superiority to a higher Lord. Those that write of this subject, divide all Lands and Tenements, wherein a Man hath a perpetual Estate to him, and his Heirs, into *Allodium* and *Feudum*.

*Allodium* is defined to be every Mans own Land, &c. which he possesseth merely in his own right, without acknowledgment of any service or payment of any Rent to any other, and this is a property in the highest degree.

*Feudum*, is that which we hold by the benefit of another, and for which we owe Service, or pay Rent, or both, to a Superior Lord. All our Land in England, (the Crown Land, which is in the Kings own Hands, in right of His Crown, excepted,) is in the nature of *Feudum*, or Fee: For though many have Land by descent from their Ancestors, and others have dearly bought Land for their Money, yet is it of such nature, that it cannot come to any, either by descent or purchase, but with the burden that was laid upon him, who had *Novel*

Fee, or first of all received it, as a benefit from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath *Directum Dominium*, i. The very Property or Demain in any Land, but the Prince, in right of His Crown. *Camb. Britan. pag. 93.* For, though he that hath Fee, hath *Jus perpetuum & utile Dominium*, yet he owes a duty for it, and therefore it is not simply his own; which thing, I take those Words we use for the expressing our deepest Rights in any Lands or Tenements, to import; for he that can say most for his Estate, saith thus, *I am seised of this, or that Land, or Tenement, in my Demain, as of Fee*; and that is as much, as if he had said, it is my Demain or Proper Land after a sort, because it is to me and my Heirs for ever, yet not simply mine, because I hold it in the nature of a benefit from another; yet the Stat. 37 Hen. 8. cap. 16. useth the word (*Fee*) of Lands invested in the Crown, but it proceeds from an ignorance of the nature of the word; for Fee cannot be without Fealty sworn to a Superior, as you may read partly in the word Fealty, but more at large in those that write *De Feudis*; and namely *Hotoman*, both in his *Commentaries* and *Disputations*; since no Man may grant, that our King or Crown oweth Fealty to any Superior, but God only. And all that write *De Feudis*, hold, that *Feudatarius* hath not an entire property in his Fee.

Fee is divided into *Fee absolute*, otherwise called *Fee-simple*, and *Fee-conditional*, otherwise termed *Fee-tail*. *Fee-simple* (*Feudum simplex*) is that whereof we are seised To us and our Heirs for ever. *Fee-tail* (*Feudum taliatum*) is that whereof we are seised, with limitation, To us, and the Heirs of our Body, &c. Which is both general and special; General is, where Land is given to a Man and the Heirs of his Body; the reason whereof is shewed by *Littleton, lib. 1. cap. 2.* because a Man seised of Land by such a gift, if he Marry one or more Wives, and have no issue by them, and, at length Marry another by whom he hath issue, this issue shall inherit the Land. *Fee-tail special* is that, where a Man and his Wife are seised of Lands to them and the Heirs of their two Bodies; because in this case, the Wife dying without issue, and he Marrying another by whom he hath issue, this issue cannot inherit the Land, being especially given to such Heirs, &c. This *Fee-tail* has Original from the Stat. of *Westm. 2. cap. 1.* Yet see *Bracton, lib. 2. cap. 5. num. 3.* To whom add *Plowden, casu Willien, fol. 235.* For, before that Statute, all Land given to a Man and his Heirs, either general or special, was accounted in the nature of Fee, and therefore held to be so firmly in him to whom it was given, that, any limitation notwithstanding, he might alienate it at his pleasure, *Coke on Litt. fol. 19.* for redress of which inconvenience the said Statute was made, whereby it is ordain'd, that if a Man give Lands in Fee, limiting the Heirs to whom it shall descend, with a rever-  
sion

fion to himself or his Heirs, for default, &c. that the form and true meaning of his gift shall be observ'd. He that hath Fee then, holdeth of another by some duty or other which is called Service.

This word Fee is sometimes used for the compals or circuit of a Lordship or Mannor. *Bracton, lib. 2. cap. 5. in eadem villa & de eodem Feodo.* Also for a perpetual right incorporeal, as, to have the keeping of Prisons in Fee. *Old Nat. Br. fol. 41.* Rent granted in Fee, *eodem fol. 8.* Sheriff in Fee. *Anno 28 Edw. 1. Stat. 13. cap. 8.* Lastly, Fee signifies a reward or ordinary duty given a Man for the execution of his Office, or the performance of his industry in his Art or Science; As the Lawyer or Phytitian is said to have his Fee, when he hath the Consideration of his pains taken with his Client, or Patient.

**Fee expectant,** Is by the Feudists termed *Feudum expectativum.* See *Expectant.*

**Fee farm, or Fee ferm,** (*Feudi firma vel feofirma,*) Is, when the Lord, upon creation of the Tenancy, reserves to himself and his Heirs, either the Rent, for which it was before letten to Farm, or at least a fourth part of that Rent. *2 Part. Inst. fol. 44.* and, that without Homage, Fealty, or other Services, other than are especially comprized in the Feoffment, but, by *Fitzh.* it seems the third part of the value may be appointed for the Rent, or the finding of a Chaplain to sing Divine-Service, &c. *Nat. Br. fol. 210. C.* And, the Nature of it is this, That, if the Rent be behind, and unpaid for the space of two years, then the Feoffor or his Heirs have Action to recover the Lands, as their Demeasns. *Britton, cap. 66. num. 4.* But observe out of *West's Symbol, part 1. lib. 2. Sect. 463.* that the Feoffment may contain services and sute of Court, as well as Rent: And, *Fee farm* oweth Fealty, though not expressed in the Feoffment, since Fealty belongs to all kinds of Tenures. See *Ferm.*

**Felagus,** quasi, *sive cum eo ligatus,* A sworn Brother. *LL. Will. Cong. per H. Hunt. MS. fol. 199. a.*

**Felo de se,** Is he that commits Felony by murdering himself. See *Crom. Justice of P. fol. 28.* and *Lamb. Eiren. lib. 2. cap. 7.* The Saxons called him Self-bana, *Self-bane.*

**Felony, Felonia,** (*Fr. Felonie.*) Sir Edward Coke says, *Ideo dicta est Felonia, quia fieri debet felleo animo, lib. 4. fol. 124. b.* We account any offence Felony that is in degree next *Petit Treason,* and compriseth divers Particulars, as Murder, Theft, Killing ones self, Sodomy, Rape, Wilful burning of Houses, &c. which are to be gathered especially out of the Statutes, whereby many offences are daily made Felony, which were not so before. Felony is discerned from lighter offences, in that the punishment thereof is death: Yet not always; For *Petit Larceny,* (which is the stealing any thing under the value of Twelve-pence;) is Felony, as appears by *Broke, tit. Coron. num. 2;*

his reason is, because the Inditement against such a one must run with these words, *Felonice cepit,* yet not punished by Death, though it be lots of Goods. Other exception I know not, but that a Man may call that Felony, which is under *Petit-Treason,* and punished by Death: Of this there are two sorts, one lighter, which, for the first time, may be relieved by *Clergy,* another that may not; which, may also be known by the Statutes; for, *Clergy* is allowed where it is not expressly taken away. Of this read *Stamf. Pl. Cor. lib. 1.* (but many offences are made Felony by Statute since he wrote,) and *Lamb. Justice of P. lib. 2. cap. 7.* in a Table drawn for the purpose. Felony is also punished by lots of Lands not intailed, and Goods and Chattels, both real and personal; yet the Statutes make difference in some Cases concerning Lands, as appears by *37 Hen. 8. cap. 6.* Felony ordinarily works corruption of Blood, unless a Statute, ordaining an Offence to be Felony, says, it shall be otherwise; As *39 Eliz. c. 17.*

**Feme covert,** (*Fr.*) A Married Woman, (*Anno 27 Eliz. cap. 3.*) who is also said to be under *Covert Baron.*

**Fence-monereth,** (*Mensis prohibitionis, or Mensis vetitus,*) Is a Month wherein the Female Deer do Fawn, and therefore 'tis unlawful to Hunt in the Forest during that time, which begins Fifteen days before *Midsummer,* and ends Fifteen days after, in all 31 days. See *Manwood, Part 2. cap. 13. per totum,* and the Stat. *20 Car. 2. cap. 3.* It is also called the *Defence Month,* that is, the Forbidden Month; for, the Latin is, *Ponantur in defenso.* There are also certain Fence, or Defence Months, or seasons for Fish, as well as wild Beasts, as appears by *Westm. 2. cap. 13.* in these Words; *All Waters where Salmon are taken shall be in Defence for taking of Salmon from the Nativity of our Lady unto S. Martins day. And likewise that young Salmon shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Nativity of St. John Baptist.* See also *13 R. 2. Stat. 1. cap. 19.* See *Tempus* — and *Foinceson.*

**Fengeld,** (*Sax.*) *Pecunia vel tributum ad arcendos hostes erogatum.* *M. S. Antiq.*

**Feodal,** (*Feodalis vel feudalis,*) of, or belonging to the Fee, Fee-Farm, or Fee-simple. *Anno 12 Car. 2. cap. 24.*

**Feodary, Feudary, or Feudatary,** (*Feudatarius,*) Was an Officer, Authorized and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office; His Function was, to be present with the *Escheator* at the finding any Office, and to give Evidence for the King, as well concerning the value, as the tenure, to Survey the Land of the Ward, after the Office found, and rate it. He did also assign the Kings Widows their Dowry, and receive all the Rents of Wards lands within his Circuit. This Officer is mentioned *Anno 32 Hen. 8. cap. 46.* and seems to be totally taken away by *12 Car. 2. cap. 24.* Noble-Men had



had also particular Feodaries. *Hunfrey Count de Stafford & de Perch Seigneur de Tunbridge & de Cauz, a nostre Feodier en le Counte de Warwick, &c. Sachet que nous—Dat. 17 H. 6.*

**Feodment**, (*Feofamentum*, from the Gothish word *feudum*.) Signifies *Donationem feudi*, any Gift, or Grant of any Honours, Castles, Mannors, Messuages, Lands, or other corporeal and immoveable things of like nature, to another in Fee; that is, to him and his Heirs for ever, by the delivery of Seisin, and Possession of the thing given, whether the gift be made by word or writing: When it is in writing it is called a *Deed of Feofment*; and, in every Feofment the Giver is called the Feoffor, (*Feofator*;) and, he that receives, by virtue thereof, the Feoffee, (*Feofatus*.) *Littl. lib. 1. cap. 6.* says, the proper difference between a Feoffor and a Donor, is, that the first gives in Fee-simple, the other in Fee-tail. *Feofamentum est ipsum Donum, Concessio vel actus feodandi.* See *Coke on Littl. fol. 9.* In Records we often meet with so many Knights Fees, *de veteri Feofamento*, and so many *de novo Feofamento*; The First were such Lands as were given or granted by King Henry the First; the other, such as were granted since the beginning of Henry the Second. And they particularly appear in the *Red Book* in the Exchequer.

**Ferbella terra**, Is Ten Acres. See *Virgata* and *Fardel*.

**Ferdendel**. See *Fardingdeal*.

**Ferdsare**, (from the Sax. *Fyrd*, *exercitus* and *Fape*, *iter*.) Significat quietantiam cundi in Exercitum. *Fleta, lib. 1. cap. 47.* — *Et sint quieti de Firwite, Fledwite, & Ferdwite, & Wengewite, & Leirwite, &c. Carta 11 H. 3. m. 33.*

**Ferial days**, (*Dies FERIALES*, *Feriae*, (according to the Latin Dictionary,) Signifies Holy-days, or days vacant from Labour and Pleading: But in the *Stat. 27 Hen. 6. cap. 5.* and in *Fortescu, de laudibus LL. Anglie*, Ferial days are taken for working days; For, *S. Silvester ordain'd, — Sabbati & Dominici dies nomine retento, reliquos hebdomadae dies feriarum nomine distinctos, ut jam ante in Ecclesia vocari ceperant, appellari.* So that Ferial days are properly all the days of the Week, except Saturday and Sunday.

**Ferling**, (*Ferlingus*, Sax. *Feopplin*;) The fourth part of a Penny; *Quadrans. Quando Quadrarium frumenti venditur pro 12 denar. tunc panis wastelli de Ferlingis ponderabit 5 lib. & 16 Sol. Assis. panis & Cervif. Anno 51 Hen. 3. Camden, tit. Huntingdon*, says, there were in this Borough four Ferlings, that is, quarters of Wards.

**Ferlingus & Ferlingata terra**, The fourth part of a Yardland. *Decem acra faciunt Ferlingatam, 4 Ferlingata faciunt Virgatam, 4 Virgate faciunt Hidam, 5 Hida faciunt Feodum militare. Esc. 12 Edw. 2. n. 18. Ebor.* In Ancient Records *Ferlingus Terra* is also used. See *Mon. Angl. 2 Part. fol. 8. a.* and elsewhere *Ferdingus terre*.

**Ferm or Farm**, (*Lat. Firma*, Sax. *Feofme*, Fr. *Ferme*.) Signifies a House and Land, taken by Lease in writing or parol. This in the North-parts is called a Tack; in Lancashire a *Ferm-holt*, in Essex a *Wike*. I find *locare ad firmam* sometimes to signify with others as much as to lett, or let to Farm with us; the reason may be in respect of the sure hold they have above Tenants at Will. *Vide Vocab. utriusque Juris, verbo, Afflictus.* How many ways *Ferm* is taken, see *Plowden, Casu Wriothesley, fol. 195.* and *Terms Ley, verbo, Farm*.

**Fermehol**. See *Wike*.

**Fermifona**, (from the Sax. *Feorme*, *i.* Food, or Feeding.) The Winter season of Deer, as *Tempus Pinguedinis* is the Summer season. — *Quod idem Hugo & heredes sui de cetero quolibet anno possunt capere in predicto Parco (de Blorc) unam damam in Fermifona inter Festum Sancti Martini & Purif. Beate Marie, & unum damum in Pinguedine inter Festum Sancte Crucis in Mayo & Festum S. Crucis in Septembri. imperpetuum: Ita quod qualemunque bestiam tempore Pinguedinis vel Fermifonae versaverint, vel cum predictis canibus ceperint, illa bestia eis remanebit; & si sit in Fermifona allocabitur eis pro dama, & si sit in Pinguedine, allocabitur eis pro damo, &c. Fin. Concor. in Curia Dom. Regis apud Litchfield coram Roger. de Turkilby, &c. inter Hugonem de Acovre quer. & Wil. de Aldetheley Deforc. Penes Will. Dugdale, Mil. See *Tempus Pinguedinis*.*

**Rex**—*dilecto Ric. Cassel custodi Monerii de Brustwyk salutem. Cum mittamus dilectum Vilettum nostrum Johannem de Fulham ad instantem Fermifonam in Parcis nostris ibidem, preut vobis & sibi melius ad opus nostrum fore videritis faciend. capiend. Vobis mandamus, &c. Claus. 30 Edw. 1. m. 18.*

**Ferramentum**, — *Dedi autem potestatem dicto P. quod possit predictum W. & heredes suos vel quemcunque qui dictum molendinum tenuerit per Ferramenta dicti molendini, & per nomia & averia sua, & per terras & tenementa pro predicto redditu distringere, &c. Carta Gilb. Talbot. Mil. sine dat. By Ferramenta are here meant the Iron Tools or Instruments of the Mill. — Et reparare Ferramenta ad tres Carucas; i. The Iron-work of three Plows. Lib. niger Heref.*

**Ferrure**, (Fr.) The Shooing of Horses. See *Bouche of Court*.

**Festtagmen**, — *Ut illud Monasterium (sc. de Breodun) sit liberatum ab illis incommodis, que nos Saxonica lingua Festtagmen dicimus. Certa Berhtuulfi Regis Merciorum. In Mon. Angl. 1 par. fol. 123. a.* The Saxon *Festtagmen* signifies *Fidejussor*, a Surety: So that by this Charter probably they were to be free from the Franck-pledge, and not bound for any Mans forth-coming, who should transgress the Law.

**Feud or Fied**, (*Feida alias Faída*.) Signifies in the German Tongue *Guerram*, *i.* Bellum. *Lambert* writes it *Feth*, and saith it signifies *Capitales inimicitias*. Feud is used in Scotland, and

and the North of England, for a Combination of Kinred to revenge the death of any of their Blood, against the Killer, and all his Races or any other great Enemy. See *Skene verbo Affidatio*, and 43 *Eliz. cap. 13.*

**Feudal.** See Feodal.

**Feudary.** See Feodary.

**Feud-vote,** (Sax. *Fœhtboſe*.) A recompence for engaging in a Feud or Faction, and for the damages consequent: It having been the custom of ancient times, for all the Kinred to engage in their Kinlinans quarrel, according to that of Tacitus, *de Moribus German. Suscipere tam inimicitias, seu patris, seu propinqui, quam amicitias, necesse est.* Sax. Dict.

**Feugerium & Fugerum,** (from the Fr. *Feugiere*, i. Fearn,) — *Et de omnimodo assiamento Bruerii, Quarrierii, Turbarii, Functii & Feugerii ad domos suos co-operiendos, &c.* Mon. Angl. 2 Par. fol. 610 b. Common of Feuger, i. Fearn for ones use. See Fugerium.

**Fidale, rectius Fildale,** (*Braſt. lib. 3. fol. 117.*) A kind of Computation or Entertainment made by Bailiffs, to those of their Hundreds for their gain; or (according to Sir Edw. Cokes 4 *Instit. fol. 307.*) an Extortion *Colore computationis.* The true word is *Fildale*, *quod Computationem in Campis significat.* See *Scotale.*

**Fieri facias,** Is a Writ Judicial, that lies (at all times within the year and day, for him that hath recovered in an Action of Debt or Damages,) to the Sheriff, to command him to levy the Debt or Damages, of his Goods, against whom the Recovery was had. This Writ had beginning from *Westm. 2. cap. 18.* See *Old Nat. Br. fol. 152.* And great diversity thereof in the Table of *Regist. Judic. verbo, Fieri facias.*

**Fiffeh,** — *Episcopus Href. quietus est de Stretward, Hundredfeh, Wardfeh, Reyngpein & Fiffeh & franco plegio.* Butterfields Survey, fol. 245. *quare.*

**Fifteenth,** (*Decima quinta*.) Is a Tribute or Imposition of Money laid upon any City, Borough, or other Town through the Realm, not by the Poll, or upon this or that Man, but in general upon the whole City or Town; and is so called, because it amounts to a Fifteenth part of that which the City hath been valued at of old, or to a Fifteenth part of every Mans Personal Estate, according to a reasonable valuation. This is imposed by Parliament, and every Town, through the Realm, knows what a Fifteenth for themselves amounts unto, because it is always the same: Whereas the Subsidy, which is raised of every particular Mans Lands or Goods, must needs be uncertain, because every Mans Estate is uncertain: And in that regard, the Fifteenth seems to have been a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it, whereof Camden mentions many in his *Britan. viz. pag. 171.* *Bath geldabat pro viginti hidis, quando schira geldabat, and 181. Old Sarum pro quinquaginta hidis geldabat, &c.* Which Rates were

according to *Domesday.* So that this seemed in old time to be a yearly tribute in certainty, whereas now, though the Rate be certain, yet it is not levied, but by Parliament. See *Tax* and *Quinsieme.*

**Fightwite,** (Sax.) *Multa ob commissam pugnam in perturbationem pacis. In exercitu Regis 120 Sol. luebatur Fightwita, i. Forisfactura pugnae.* M. S. Codex.

**Filazer,** (from the Fr. *Fil*, a Thread, Line, or String,) Is an Officer in the Court of *Common Pleas*, (so called, because he Files those Writs, whereon he makes out Process,) whereof there are fourteen in their several Divisions and Counties. They make out all Writs and Process upon Original Writs issuing out of the *Chancery*, as well Real, as Personal, and mixt, returnable in that Court. And in Actions merely personal, where the Defendants are returned summoned, make out *Pones* or *Attachements*, which being returned and executed, if the Defendant appears not, they make out a *Disfringas*, and so *Ad infinitum*, or until he doth appear: If he be returned *nihil*, then Process of *Capias infinite*, if the Plaintiff will, or after the third *Capias*, the Plaintiff may proceed to *Utlary* in the County where his original is grounded, and have an *Exigent* with Proclamation. Also the Filazers make forth all *Writs of View* in Real Actions, where the *View* is prayed, and upon *Replevins* or *Recordares*, Writs of *Retorno habendis*, *Second Deliverance*, and Writs of *Witbernem*; in Real Actions, Writs of *Grand and Petit Cape* before appearance. They enter all Appearances and Special Bails, upon any Process made by them. They make the first *Scire Facias* upon Special Bails, Writs of *Habeas Corpus*, *Disfringas Nuper Vice-comitem vel Balivum*, and *Duces tecum*, and all *Superfedeas* upon Special Bail or Appearance, &c. Writs of *Habeas Corpus cum Causa* upon the Sheriffs Return, that the Defendant is detained with other Actions, Writs of *Adjournment* of a Term, in case of Pestilence, War, or Publick Disturbance; and (until an Order of that Court, made 14 *Jac.* which limited the Filazers to all matters and proceedings before Appearance, and the *Prothonotaries* to all after,) did enter Declarations, Imparances, Judgments, and Pleas, whereunto a Serjeants hand was not requisite, and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *Kings Bench*, of later times, there have been Filazers, who make Process upon Original Writs returnable in that Court, upon Actions *Contra Pacem*: The Filazers of the *Common Pleas* have been Officers of that Court before the Statute of 10 *Hen. 6. cap. 4.* wherein they are mentioned. F. P.

**Filicerum & filiatum,** A Fearnly Ground. 1 *Instit. fol. 4. b.*

**Filiolus,** Is properly a little Son, also a Godson. Sciant — *quod ego Johannes Lovat Miles Dominus de Elmley-Lovet, Ded. — Waltero le Blount fratri meo & Johanni Filio suo, Filiolo meo quindecim solidos annui redditus, &c.*



Sine dat. Here *Filiolus* is used for a Nephew ; for *Walter Blount* Married the Sister of this Sir *John Lovet* ; unless *John* the Son, were also Godson to Sir *John*. *Filiolus, quem de sacro fonte suscepit*. Dugd. Warwick-Shire, fol. 697.

*filr*, (*Filacium*.) A Thread or Wier, whereon Writs or other Exhibits in Courts and Offices are fastned, properly called *Filed*, for the more safe keeping them.

*filum Aquæ*, Is the Thread or Middle of the Stream, where a River parts Two Lordships ; — *Et habebunt istas butas usque ad Filum Aquæ prædictæ*. Ex Reg. Priorat. de Wormley, fol. 3, a. Vide. etiam Mon. Angl. 1. par. fol. 39c, a. *Et de mahemio facto in grossis navibus in medio alti Fili grossarum ripariarum*, &c. Rot. Pat. 4 Hen. 6. m. 11. par. 2. — *Et totam illam partem memoris sui, quæ est inter Filum Aquæ de Ebroc. & Filum Aquæ de Tame*. Reg. de Leic. in Bibl. Cott. fol. 2. Et Pla. Cor. Mich. 18 Ed. 1. Rot. 66. *Haut file du Mer*, the High Tide of the Sea. *Ret. Parl.* 11 H. 4. n. 61.

*Finders*, (*Fini*.) Seem to be all one with those, which in these days we call *Searchers*.

*fine*, (*Fini*.) Hath divers Uses or Significations ; the first and most noble is, (according to *Glanville*, lib. 8. cap. 1.) *Amicabilis compositio & finalis concordia, ex consensu & licentia Domini Regis vel ejus Justiciariorum* ; or a Covenant made before Justices, and entred of Record for Conveyance of Lands, Tenements, or any thing inheritable, being *In esse tempore Finis* ; to the end, to cut off all Controversies. *Et Finis dicitur Finalis Concordia, quia imponit finem litibus, & est exceptio peremptoria*, says *Bracton*, lib. 5. tract. 5. cap. 28. num. 7. See the *New Book of Entries*, verso, *Fines*. And 27 Edw. 1. Stat. 1. cap. 1. So that this *Fine* appears to be a Composition or *Concord*, acknowledged and recorded before a Competent Judge, touching some Hereditament, or thing immovable, that was in controversy between the parties to the same *Concord* ; and that, for the better credit of the transaction, it is by imputation made in the presence of the King, because levied in his Court ; and therefore it binds Women-Covert, being parties, and others whom ordinarily the Law disables to transact, only for this reason, That all presumption of deceit or evil meaning is excluded, where the King and His Court of Justice are supposed to be privy to the Act.

Originally the use of this *Final Concord* was instituted and allowed, in regard that, by the Law and ancient course of Proceedings, no Plaintiff (giving Real Security or Sureties, *De clamore suo proseguendo*, and being to be Fined or Amerced by the Judges, if he failed therein, which, as appears by Records of King Edward the First, were duly Estreated and Certified into the *Exchequer*.) could agree without License of the Court : So as *Fines* have been anciently levied in Personal Actions, and for no greater a sum of Money then xli. But subtil-

ty of Wit and Reason, hath in time wrought other uses of it, viz. To cut off *Intails* ; and with more certainty to pass the Interest or Title of any Land or Tenement, though not controverted, to whom we think good, either for years or in Fee. In so much as the passing a *Fine*, in in most Cases now, is but *Mera fictio Juris*, alluding to the use for which it was invented, and supposing an Action or Controversie, where in truth none is, and so not only operating a present Bar, and Conclusion against the parties to the *Fine*, and their Heirs ; but at five years end, against all others, not expressly excepted, (if it be levied upon good consideration, and without Covin,) as Women-covert, Persons under Twenty one years, Prisoners, or such as are out of the Realm, at the time of its acknowledging. Touching which, see the Statutes *Anno 1 Rich. 3. cap. 7.* — *4 H. 7. cap. 14.* — *32 Hen. 8. cap. 36.* and *31 Eliz. cap. 2.*

This *Fine* hath in it five essential Parts, 1. The *Original Writ* taken out against the Cognizor. 2. The Kings License giving the Parties liberty to accord, for which he hath a *Fine*, called the *Kings Silver*, being accounted part of the Crown-Revenue. 3. The *Concord* it self, which begins thus, *Et est Concordia talis*, &c. 4. The note of the *Fine*, which is an abstract of the *Original Concord*, beginning thus : *Sc. Inter R. querentem, & S. & T. uxorem ejus deforcientes*, &c. (where in stead of *Deforcientes*, anciently *Impedientes* was used.) 5. The foot of the *Fine* (*Hæc est Finalis Concordia facta in Curia Domini Regis apud Westm. à die Pasche in Quindecim dies, Anno, &c.*) includes all, containing the day, year, and place, and before what Justice the *Concord* was made. *Coke*, vol. 6. *Casu Tey*, fol. 38.

This *Fine* is either *single* or *double* ; a *Single Fine* is that, by which nothing is granted or rendered back again by the Cognizees to the Cognizors, or any of them. A *Double Fine* contains a grant, and render back, either of some Rent, common, or other thing out of the Land, or of the Land it self, to all or some of the Cognizors for some Estate, limiting thereby many times Remainders to strangers, not named in the Writ of Covenant ; and a *Fine* is sometimes called a *Double Fine*, when the Lands do lie in several Counties. Again, a *Fine* is in its effect, divided into a *Fine executed*, and a *Fine executory* ; a *Fine executed* is such, as of its own force gives a present possession (at least in Law) to the Conizee, so that he needs no Writ of *Habere facias Seizinam*, for Execution of the same ; but may enter, of which sort is a *Fine Sur cognizance de droit come ceo que il ad de son done*, that is, upon acknowledgment, that the thing mentioned in the *Concord* is, *Fus ipsius cognizati, ut illa quæ idem habet de dono Cognitoris*, *West.* sect. 51. K. The reason is, because this *Fine* passeth by way of Release of that thing, which the Conizee hath already (at least by supposition) by virtue of a former gift of the Conizor. *Coke*, lib. 3. *Cafe of Fines*, fol. 89. b. which is,

in truth, the surest *Fine* of all. *Fines Executory* are such, as of their own force, do not execute the possession in the Conizees, as *Fines sur cognizance de droit tantum*, *Fines sur done*, *Grant*, *Release*, *Confirmation*, or *Render*. For, if such *Fines* are not levied, or such render made to those who are in possession at the time of the *Fines* levied, the Conizees must needs sue out Writs of *Habere facias seisinam*, according to their several Cases, for obtaining their possessions, except at the levying such *Executory Fines*, the parties to whom the Estate is limited, be in possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of extinguishment of Right, not altering the Estate or Possession of the Conizee, but perhaps bettering it. *West. Symbol. sect. 20.*

Touching the form of these *Fines*, it is to be considered, upon what Writ or Action the *Concord* is to be made, and that is most commonly, upon a *Writ of Covenant*, and then there must first pass a pair of Indentures between the Cognizor and Cognizee, whereby the Cognizor covenants with the Cognizee, to pass a *Fine* to him, of such and such things, by a day limited: As these Indentures are first in this proceeding, so are they said to lead the *Fine*. Upon this *Covenant*, the *Writ of Covenant* is brought by the Cognizee against the Cognizor, who thereupon yields to pass the *Fine* before the Judge, and so, the Acknowledgment being Recorded, the Cognizor and his Heirs are presently concluded, and all strangers (not excepted,) after five years passed. If the Writ, whereon the *Fine* is grounded, be not a Writ of *Covenant*, but of *Warrantia Chartae*, or a Writ of Right, or of *Meln*, or of Customs and Services, (for of all these *Fines* may also be founded, *West. sect. 23.*) then this Form is observed; the Writ is served upon the party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol. 179. num. 46.*

*Fines* are now only levied in the Court of *Common Pleas* at *Westminster*, in regard of the solemnity thereof, ordained by the Statute of 18 *Edw. 1.* Before which time they were sometimes levied in the County Courts, Court Barons, and in the *Exchequer*, as may be seen in *Origines Juridicales & alibi*. *Plowden* says, there were *Fines* levied before the Conquest; *Fulbeck* says, he has seen the Exemplification of one of *Henry the First* time; *Dugdale* none, till *Henry the Second*. See *Impediens*.

This word *Fine* sometimes signifies a sum of Money, paid for an income to Lands or Tenements let by Lease, anciently called *Gersuma*, sometimes an amends, pecuniary punishment, or recompence upon an offence committed against the King, and his Laws, or a Lord of a Mannor. In which case a Man is said *Facere Finem de transgressione cum Rege, &c.* *Reg. Jud. fol. 25. a.* Of the diversity of these *Fines*, see *Crompton's Just. of Peace, fol. 141. b. 143, 144.* and *Lamb. Eiren. lib. 4. cap. 16.* But in all these diversities of Uses, it hath but one significa-

tion, and that is a *Final conclusion* or end of differences between parties. And in this last sense, wherein it is used for the ending and remission of an Offence, *Bracton* hath it (*lib. 2. cap. 15. num. 8.*) speaking of a *Common Fine*, that the County pays to the King, for false Judgments, or other Trespasses, which is to be Assessed by the Justices in Eyre before their departure, by the Oath of Knights, and other good Men, upon such as ought to pay it; with whom agrees the Statute 3 *Edw. 1. cap. 18.* There is also a *Common fine* in *Leets*, see *Kitchin, fol. 13.* Vide *Common Fine. Fleta, lib. 1. cap. 48.* and *Coke on Littl. fol. 126. b.*

*Fine sur concessit*, Is a *Fine* levied upon the Grant of an Estate for Years, to bar the Heir in Tail during the Term.

*Fines for Alienation*, Are reasonable *Fines* paid to the King by his Tenants in Cheif, for License to Alien their Lands, according to the Stat. 1 *Edw. 3. cap. 12.* But see the Stat. 12 *Car. 2. cap. 24.* by which they are taken away.

*Fines pro Licentia Concordandi.* Anno 21 *Hen. 8. cap. 1.* See *Fine*.

*Fine force*, (from the Fr. *Fin*, *i.* crafty or subtil, and *force*, *i.* vis,) Seems to signify an absolute necessity or constraint, not avoidable; and in this sense it is used, *Old Nat. Br. fol. 78.* And in Stat. 35 *Hen. 8. cap. 12.* in *Perkins, Dwyer, fol. 321.* *Plowden, fol. 94.* *Coke, vol. 6. fol. 111. a.*

*Fine annullando levato de tenemento quod fuit de antiquo Dominico*, Is a Writ to Justices, for disannulling a *Fine* levied of Lands holden in Ancient Demeasne, to the prejudice of the Lord. *Reg. of Writs, fol. 15. b.*

*Fine Capiendo pro terris, &c.* Is a Writ lying for one, who upon Conviction by a Jury, having his Lands and Goods taken into the Kings Hand, and his body committed to prison, obtains favor for a sum of Money, &c. to be remitted his imprisonment, and his Lands and Goods to be re-delivered to him. *Reg. of Writs, fol. 142. a.*

*Fine levando de tenementis tenets de rege in Capite, &c.* Was a Writ directed to the Justices of the *Common Pleas*, whereby to License them to admit of a *Fine* for the sale of Land holden in *Capite*. *Reg. of Writs, fol. 167. a.*

*Fine non capiendo pro pacifice placitando*, Is a Writ to inhibit Officers of Courts to take *Fines* for fair pleading. *Reg. of Writs, fol. 179.*

*Fine pro reditu sine capienda, &c.* Is a Writ lying for the Release of one laid in prison for a Re-disseisin, upon a reasonable *Fine*. *Reg. of Writs, fol. 222.*

*Finores of Gold and Silver*, Are those that purifie and part those Metals from other counter, by Fire and Water. Anno 4 *Hen. 7. cap. 2.* They are also called *Parters* in the same place, and sometimes *Departers*.

*Fridstole*. See *Fridstole*.

*Firebare* — *Quod sine dilatione levare & reparare fac. signa & Firebares super montes altiores in quolibet Hundredo: Ita quod res paria, per illa signa, quotiescunque necesse fuit, pramuniri*



*niri potest, &c.* Ordinatio pro vigiliis observandis a Lynne usque Yermouth, *temp. Ed. 2.* Perhaps from the Saxon *Fylfcoþ*, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailers in the Night, or give warning of the Enemy.

**firebote**, (Sax.) Signifies allowance of Wood or Estovers, to maintain competent Fire for the use of the Tenant. See *Haybote*.

**Firma**, see *Firme*. *Ad firmam noctis* was a Custom or Tribute paid towards the entertainment of the King for one night, according to *Domesday*. Comes Meriton T. R. E. (*i. tempore Regis Edovardi Conf.*) *reddebat firmam unius noctis*, *i.* Provision or Entertainment for one night, or the value of it. *Firma Regis*, anciently *Pro villa Regia*, seu *Regis Manerio*. Spel.

*Firma* is also used for Rent; as in this ancient Precept of *Will. the Conqueror*. *Willielmus Rex Anglorum Willielmo de Cahannis salutem. Precipio tibi ut facias convenire Schiram de Hamtonia & iudicio ejus cognosce, si terra de Itham reddidit firmam Monachis Sancti Benedicti, &c.* Ex *Regist. de Ramsey in Scacc.* Land let *apud altam firmam*, *i.* at the rack; and *Firma alba*, Rent paid in Silver, not in Cattle, or Provision for the Lords House.

**Firmura**. *Will. de Cressi* gave to the Monks of *Blyth* a certain Mill *cum libera firmura* of the Dam of it, — *Reg. de Blyth*. This Dr. *Thoroton* Englishes *Free Firmage*, but that is still a hard word. I think it intends free Liberty to scour and repair the Mill-Dam, and to carry away the Soil, &c.

**first-fruits** or **Annates**, (*Primitie*.) Are the Profits, after Avoidance, of every Spiritual Living for one year, given in ancient time to the Pope throughout all Christendom, but by the Stat. 26 Hen. 8. cap. 3. translated here in England to the King: For ordering whereof, there was a Court erected 32 Hen. 8. cap. 45. but dissolved, 1 Mar. Sess. 2. cap. 10. And since that time, though those Profits are reduced again to the Crown, 1 Eliz. cap. 4. yet was the Court never restored, but all Matters, formerly handled therein, were transferred to the Exchequer. See *Annates*, and Sir Roger Twissens *Hist. Vindication*, fol. 84.

**fishgarth**, (*Anno 23 Hen. 8. cap. 18.*) Dr. *Skinner*, in his *Etymologicon*, says, 'Tis an Engin to take Fish; but it seems rather to signify the Dam or Wear in a River, where these Engins are laid and used. For *Garth* in the North is still used for a Backside or Homestead.

**Fithwite**, *Rectius Fithreweite*, a Sax. *Feoh*, *pugna*, and *þice*, *multa*; *multa ob commissam pugnam in perturbationem pacis publicæ*. *Fithwite*, *i.* si *pugnaverint & percusserint se, quamvis sanguinem non extraxerint, Prior habebit inde amerciamenta*. Ex *Registro Priorat. de Cokesford*.

**Fledwite** or **flightwite**, (Sax. *Flyh*, *fuga* & *þice*, *multa*.) Signifies, in our ancient Laws, a Discharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive,

comes to the Peace of our Lord the King, of his own accord, or with licence. Thus *Rastals*. But *Quere*, whether it does not rather signify a Mulct or Fine set upon a Fugitive, to be restored to the Kings Peace?

**Fleet**, (Sax. *Fleo*, *i.* A place, where the Water ebbs and flows, a running Water.) A famous Prison in London, so called from the River, on the side whereof it stands. To this Prison Men are usually committed for contempt to the King and His Laws, or upon absolute command of the King, or some of His Courts; or lastly, for Debt, when Men are unable, or unwilling, to satisfy their Creditors.

**flein** and **fleth**, (Sax. *Flema*, an Outlaw, and *Fle*, a House.) In *Placito de Quo Warranto Abbas de Burgo dicit quod clamat animum & vasum & medium tempus per hæc verba flein & fleth*. Trin. 7 Edw. 3.

**flema** (from the Sax. *Flema*, a Fugitive, or Outlaw, and *flean*, to kill or slay.) By virtue of this word were claimed *Bona felonum*, as appears upon a *Quo Warranto*, Temp. Edw. 3. See *Keilways Rep.* fol. 145. b.

**flemenestrinche**, (*Rectius Flymenafyrmithe*, A Sax. *Flyma*, *i.* *Fugitivus* & *Fylm*, *susceptio*, *admissio*. LL. Ina. cap. 29. & 47. LL. etiam Hen. 1. cap. 10, 12.) Signifies the receiving or relieving a Fugitive. — *Cum Sacha & Socha, Tol & Tēam, Infangenethof & Flemenefyrinthe & Gridbreche, Forstal, Hamfocne, Blodwite, Ordel & Oreste*. Carta Edw. Conf. Monasterio de Waltham. I find this word often in ancient Charters erroneously written: As *flemeneferd*, *flemenetrit*, *flemenefremeth*, *flemanislar*, *flemenewurde*, *flemenefenda*, and *flemenefreitche*. All doubtless intended for the same thing.

**flemenestreme** and **flemenestrenche**, *Interpretantur catalla fugitivorum*, Mich. 10 H. 4. Hertf. 59. Coram Rege, Rot. 59. See *Flemenefyrinthe*.

**flemeswite**, (Sax.) Signifies a Liberty or Charter, whereby to challenge the Cattle, or Amerciaments of your Man a Fugitive. *Rastals Exposition of words*. *Fleta* writes it two other ways, *viz.* *Flemenefrewe* and *Flemenefreitche*, and interprets it, *Habere catalla fugitivorum*, lib. 1. cap. 47. See *Flem*, and *Flemenefyrinthe*.

**flewite**, (Sax.) See *Fledwite*.

**flidethrift**, otherwise called *Shovelboard*, Is the same Game we now call *Shovelboard*, and mentioned 33 Hen. 8. cap. 9. This should rather have been called *Slidethrift*.

**fligheres**. — *Concessi etiam eis Fligheres ad suam propriam navem, colligendas in territorio de Flamesburg*. Mon. Angl. 2 par. fol. 799. b. *Quere*, If not Mafts from Ships, from the Sax. *Fleogan*, to fly.

**flitchwite** alias **flitwite**, (from the Sax. *Flit*, Contention or Strife.) Significat *multam ob contentiones, rixas & jurgia impostam, & cui hæc à Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressionibus, vel multis inde provenientes in Curia Regis, à delinquentibus*

tibus exigere & sibi met retinere. Thus Spelman. **Flitwite**, *i.* Quod Prior teneat Placita in Curia sua de contentionibus & conviciis hominum suorum & habeat inde Amerciamenta. Ex Reg. Priorat. de Cokesford.

**flood-mark**, The mark which the Sea, at flowing Water and highest Tide, makes on the shoar. Accordant a cena Ordinances les Admirals ont use leur Authority en les lieues avant dits tanque a cest temps, sibien purchoses faits oustre le Mere & sur le Mere, come entre le Flodemark & Low-water-mark. Anderson's Rep. fol. 189. Constables Cafe.

**Florences**, (Anno 1 Rich. 3. cap. 8.) A kind of Cloth so called.

**Flota navium**, A Fleet of Ships. Rex — sciatis quod constituimus Johannem de Roches Admirallum nostrum Flote navium ab ore aque Thamisie versus partes occidentales quamdiu nobis placuerit. Rot. Francia, Anno 6. R. 2. m. 21.

**Flotages** (Fr. *Flotage*, *i.* a Floating or Swimming on the top.) Are such things, as, by accident, float or swim on the top of the Sea, or great Rivers. I have seen the word used in the Commission of a Water-Bailiff.

**Flotson** alias **Flotzan**, (From the Sax. *fleo* — *ten*, *i.* *natare*,) Is a word proper to the Seas, signifying any Goods lost by Shipwrack, and which lie floating or swimming on the top of the Water, which with **Fetson**, **Lagon**, and **Shares**, are given to the Lord Admiral by his Letters Patent. **Fetson** is any thing cast out of the Ship, being in danger of Wreck, and beaten to the shore by the Waves, or cast on it by the Mariners. Coke, vol. 6. fol. 106. a. **Lagon**, alias **Lagan** vel **Ligam**, is that which lies in the bottom of the Sea. **Shares** are Goods due to more by proportion.

**Foder**, (Sax. *Fodse*,) Any kind of Meat for Horses or other Cattle; in some places Hay and Straw mingled together is accounted **Foder**. See **Forage**. But among the *Feudists* it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for his Horses, by his Subjects, in his Wars, or other Expeditions. *Horoman de verbis feudal.* See **Fother**. — Nec non redditus qui dicuntur Hidagium & **Fodercoz** in perpetuum Abbatibus (de S. Edmundo) designentur. Mon. Angl. 1 Part. fol. 291. a.

**fogage**, (*Fogagium*,) Fog or Feg, rank Grafs not eaten in Summer. LL. *Forestar.* Scot. cap. 16.

**Foinelun**, (From the Fr. *Faon*, *i.* a Facent,) Is the time when Deer Fawn, or bring forth their Young, being 15 days before *Midsummer-day*, and 15 days after. — *Prohibendum est etiam ad placita Foresta, ne porci sint in Foresta Regis tempore de Foinelun.* Sc. 15 diebus ante Nativitatem S. Joh. Baptiste & 15 diebus post idem Festum. R. Hov. fol. 446. a. n. 30. This is elsewhere termed *Tempus Faonationis*.

**Folc-lands**, (Sax.) Copihold Lands were so called in the time of the Saxons, and Charter-Lands were called **Bot-lands**. *Kitchin*, 174. *Fundus sine scripto possessus* (says *Sommer*,)

*centum pensitans annuum, & officiorum servituti obnoxius; Terra Popularis.*

**Folcmote** and **falkelmote**, (Sax. *Folc-gemot*, *i.* *conventus populi*,) Signifies (according to *Lambert*,) two kinds of Courts, one now called the *County Court*, the other the *Sheriff's Turn*. The word is still in use among the *Londoners*, and signifies *Celebrem ex omni Civitate conventum*. *Stow* in his *Survey*. But *Minwood* says, It is the Court holden in *London*, wherein all the *folk* and people of the City did complain of the Mayor and Aldermen for any misgovernment. *Mr. Sommer*, in his *Saxon Dictionary*, says, It is a general Assembly of the people for considering and ordering Matters of the Common-wealth. *Omnes proceres Regni & Milites & liberi homines universi totius Regni Britannie facere debent in pleno Folcmote fidelitatem Domino Regi, coram Episcopis Regni.* In Leg. Edw. Confel. cap. 35.

**Foldcourse**. (*Croke* 2 Part. fol. 432.) See *Faldage*.

**Folgheres** or **folgeres**, (From the Sax. *Folsep*, *i.* to follow,) Are properly followers; but *Bracton* (*lib. 3. tract. 2. cap. 10.*) says it signifies, *Eos qui aliis deserviunt.* Vide LL. Hen. 1. cap. 9. Servants or Domesticks.

**Foolgels**. See *Foutgeld*.

**foot of the fine**. See *Chirographer*.

**fozage**, (Fr. *Fourrage*,) Fodder for Cattle. *Cestes sont les Covenants feates le Vendredy prochain devant la Feste de Seinte Jake l'Apistle.* 20. Edw. 3. *Perentre Nichol de Stone d'une parte & John de Blount d'autre parte.* — Et le dit John trovera au dit Nichol herbe & feyn & **fozage** pour un Hakeney & deux vaches, &c. Penes Wal. Kirkham-Blount Bar. See *Foder*.

**fozache**. *Liberalis autem homo, i. Pegen.* *Modo crimen suum non sit inter majora, habeat fidelem hominem, qui possit pro eo jurare juramentum, i. fozache.* Si autem non habet, ipsemet juret, nec perdonetur ei aliquod juramentum. *Constitut. Canuti de Foresta, sect. 12.*

**fozbarre** or **fozbar**, Is to Bar or deprive for ever. *Anno 9 Reg. 2. cap. 2. and 6. H. 6. cap. 4.*

**fozbusher of Armo**, (*Forbator*,) *Siquis forbator arma alicujus suscepit. ad purgandum, &c.* LL. Aluredi. M. S. cap. 22.

**fozce** (Fr.) Is most usually applied to the evil part, and signifies unlawful violence; *West* defines it to be an offence, by which violence is used to things or Persons, *Parte 2. Symbol. tit. Indictments, sect 65.* where he also divides it into *Simple* and *Compound*: *Simple force* is that which is so committed, that it hath no other crime annexed to it; as if one by force do only enter into another Man's Possession, without doing any other unlawful act. *Mixed or Compound force* is when some violence is committed with such a fact, as of it self only is criminal: As if any by force enter into another Man's Possession, and kill a Man, or ravish a Woman, &c. He further divides it into *True force*, and *Force after a sort*; and so proceeds to divers other Branches



worth the reading, as forcible Entry, forcible Detaining, unlawful Assembly, Riots, Riots, Rebellions, &c.

**Forecheapum**, — Et not licebat is aliquod Forecheapum facere Burghmannis, & dare Theolonium suum. Cron. Bromton. Col. 897. 898. de nave negotiali. & LL. Æthelredi ca. 23. It signifies Præemption, from the Sax. Fosse, ante & Ceapan, mundinari, emere.

**Forcible detaining, or withholding possession**, Is a violent act of resistance, by strong hand of Men weaponed, or other action of fear in the same place or elsewhere, by which the lawful Entry of Justices, or others, is barr'd or hindred. *West*, pa. 2. Symbol. tit. Indictments, sect. 65. *Crompton* Just. of Peace, fol. 59.

**Forcible Entry**, (*Ingressus manu forti factus*.) Is a violent actual Entry into House or Land, &c. or taking a distress being weaponed, whether he offer violence, or fear of hurt, to any there, or furiously drive any out of Possession. *West* and *Crompton* ut supra. It is also used for a Writ grounded upon the Stat. 8 Hen. 6. cap. 9. whereof read *Fitz. Nat. Br.* at large, fol. 248. *New Book of Entries*, verbo, Forcible Entry, and *Lamberts Eiren. lib. 2. cap. 4.*

**Forclosed**, (*Anno 33 Hen. 8. cap. 39.*) Barr'd, shut out, or excluded for ever. 2 Part. Inst. fol. 298.

**Forefang**, (*Sax. Fosse, i. ante, and Fang, e, prendere*.) King Ina did by a Law prohibit **Forefang**, i. Captio Olsoniorum, que in foris aut mundinis ab aliquo fit, priusquam Minister Regis ea ceperit, que Regi fuerint necessaria. LL. Inæ Reg.

**Foregoers**, Were Purveyors, otherwise call'd, Going before the King in Progress, to provide for him. *Anno 36 Edw. 3. cap. 5.*

**Forin** (*Fr. Forain, Lat. Forinsecus*.) Is in our Law joined with divers Substantives in Senses, not unworthy the Exposition: As *Forin Matter*, that is, Matter triable in another County, (*Pl. Cor. fol. 154.*) or Matter done in another County. *Kitchin* fol. 126.

**Forin Plea**, Is a refusal of the Judge, as incompetent, because the Matter in question is not within his Jurisdiction. *Kitchin*, f. 75. *Anno 4 Hen. 8. cap. 2.* And 22 *Ejusdem*, cap. 2. & 14.

**Forin Answer**, Is such an Answer as is not triable in the County where it is made. 15 Hen. 6. cap. 5.

**Forin Service**, Is that, whereby a Mean Lord holds over of another, without the compass of his own Fee, (*Broke, tit. Tenures, fol. 28, 95, 251. num. 12. & 28. Kitchin, fol. 209.*) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton*, (*lib. 2. cap. 16. num. 7.*) Item sunt quedam servitia, que dicuntur forinseca, quoniam sunt in Charta de Feoffamento expressa & nominata; & que ideo dici possunt forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria Persona profectus fuerit in servitio, vel nisi cum pro servitio suo satisfecerit Domino Regi quocunque modo, &

sunt in certis temporibus, cum casus & necessitas evenierit, & varia habent nomina & diversa: Quandoque enim nominantur forinseca, large sumpto vocabulo, quod servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis, & ideo forinsecum dici potest, quia fit & capitur foris, sive extra servitium quod fit Domino capitali. *Forin Service*, seems to be Knights Service or Escuage uncertain. *Perkins Reservation*, 650. — Salvo forinseco servicio. *Mon. Angl. 2 Par. fol. 637. b.*

**Forin Attachment**, Is an Attachment of Forainers Goods found within a Liberty, or a City, for the satisfaction of some Citizen, to whom the Forainer is indebted. At *Lemster* (anciently *Leominstre*.) there is the Borough and the Forin; which last is within the Jurisdiction of the Manor, but not within the Bailiff of the Boroughs Liberty. So *Forin Court* of the Honor of Gloucester. *Chaus. 8 Edw. 2. m. 25. i.* Foreign bought and Foreign sold, is a Custom within the City of London, which, being found prejudicial to the Sellers of Cattle in *Smithfield*, it was enacted 22 and 23 Car. 2. That as well Foreigners as Freemen may buy and sell any Cattle there.

**Forin Opposer or Opposer**, (*Forinsecarum Oppositor*.) Is an Officer in the Exchequer, to whom all Sheriffs, after they are apposed of their Sums out of the Pipe Office, do repair to be apposed by him of their Green Wax. He examines the Sheriffs Estreats with the Record, and apposeth the Sheriff, what he says to every particular sum therein. *Practise of the Exchequer*, fol. 87. See 4 Inst. fol. 107. Chaucer useth the word appose for interrogare.

**Forera**, Terra transversalis, seu Capitalis, A Head-land, or (as they vulgarly call it,) *Hadeland*. — Uno capite abutante super Foreram Rogeri Attecastel. Carta de Anno 47 Edw. 3. — Decem acras terre, quarum octo Veliones cum duabus Foreris simul jacent in — Carta Antiquæ Eliam Ashmore, Arm.

**Forest** (*Foresta*.) Signifies a great or vast Wood; *Locus silvestris & saltuosus*. Our Law-writers define it to be Locum, Ubi fera inhabitant vel includuntur. Others say, it is called *Foresta*, quasi, Ferarum statio, vel tuta mansio ferarum. *Manwood 2 par. cap. 1.* defines it thus. A Forest is a certain Territory of Woody Grounds, and Fruitful Pastures, privileged for Wild Beasts and Fowls of Forest, Chase and Warren, to rest and abide, in the safe Protection of the King, for his Princely delight; meered and bounded with unremovable Marks, Meers and Boundaries, either, known by Matter of Record or Prescription; Replenished with Wild Beasts of Venary or Chase, and with great Coverts of Vert, for succor of the said Beasts. For preservation and continuance of which place, with the Vert and Venison, there are certain particular Laws, Priviledges, and Officers, belonging only thereto.

Its properties are these: First, A Forest, truly and strictly taken, cannot be in the hands of any, but the King; because none hath power to grant Commission to be a Justice in Eyre of the

the Forest, but the King. (Yet the Abbat of *Whitby* had a Forest by Grant of *Henry* the Second, and King *John*, with all Officers incident thereto. 4 *Inst. fol.* 305. & 314.) The second property is the Courts, as the *Justice Seat*, every three years; the *Swain-mote* thrice every year, and the *Attachment* once every forty days. The third may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the *Justices* of the Forest, the *Warder* or Keeper, the *Verderers*, the *Foresters*, *Agistors*, *Regarders*, *Bailiffs*, *Bedels*, and such like, which see in their places. See *Manwood, par. 2. cap. 1. num. 4. & 5.* But the most especial Court of a Forest, is the *Swain-mote*, which is no less incident to it, than the Court of *Pye-Powders* to a Fair. If this fail, then is there nothing of a Forest remaining, but it is turned into the nature of a Chace. There were reckoned to be in *England* Sixty eight Forests. For the ascertaining the Meers and Bounds of the Forests. See *Anno 17 Car. 1. cap. 16.*

**Forestagium,** — *Et sint quieti de Theoloneo & Passagio, & de Forestagio, & Theoloneo aquarum & viarum Forestam meam contingentium.* Carta 18 *Edw. 1. m. 10. n. 30.* Seems to signify some duty or tribute payable to the Kings Foresters; as *Chiminage*, or such like.

**Forestal.** See *Forstal.*

**Forester,** (*Forestarius*,) Is a Sworn Officer of the Forest, appointed by the King's Letters Patent to walk the Forest both early and late, watching both the Vert and the Venison, attaching and presenting all Trespassers against them, within their own Bayliwick or Walk; whose Oath you may see in *Crompton, fol. 201.* And though these Letters Patent are ordinarily granted, but *quam diu se bene gesserint*, yet they are granted to some and their Heirs, who are hereby called *Foresters*, or *Fosters in Fee.* (*Idem fol. 157 and 159.* And *Manwood, Part. 1. pa. 220.*) whom, in Latin, *Crompton* calls *Forestarios Feudi, fol. 175.*

**Fore-judging or forjudging,** (*Forjudicatio*,) Signifies a Judgment, whereby a Man is deprived, or put by the thing in question. *Bracton, (lib. 4. Tract. 3. cap. 5.)* has these words, — *Et non permittas quod A, capitalis Dominus Feudi illius, habeat custodiam heredis, &c. quia in Curia nostra forisjudicatur de Custodia, &c.* So does *Kitchin* use it, *fol. 29.* and *Old Nat. Br. fol. 44 and 81.* And the *Stat. 5. Edw. 3. ca. 9.* and *21 R. 2. ca. 12.* *Forjudicatur*, with Authors of other Nations, signifies as much as banished, or as *Deportatus* in the ancient *Roman-Law*, as appears by *Vincenzius de franchi Descis. 102.*

**forfang & forefeng,** (A Sax. *Foſe*, ante *Fanſen*, *prendere*,) est *captio obsoniorum, quæ in foris aut mundanis ab aliquo fit, priusquam Minister Regis ea ceperit quæ Regi fuerint necessaria.* Antecaptio vel preventivo. — *Et sint quieti de Wardwite, & de ulewe & forvenne & Wiltſauge, &c.* Carta *Hen. 1. Hoſp. Sancti Barth. Lond. An. 1133.*

**Forjudged the Court,** Is when an Officer of any Court is banished, or expell'd the same, for some Offence, or for not appearing to an Action by Bill filed against him; and, in the latter he is not to be admitted to officiate, till he shall appear to the Bill. *Anno 2. Hen. 4. cap. 8.* — *He shall lose his Office, and be forjudged the Court, &c.* *Forjudicare, interdum est male judicare, Spel.*

**forfeiture,** (*Forisfactura*,) comes of the French *Forfait*, i. *Scelus*; but signifies with us, rather the effect of Transgressing a Penal Law, than the Transgression it self, as *Forfeiture* of Escheats, *Anno 25 Edw. 3. cap. 2. Stat. de Proditionibus.* Goods confiscated and Goods forfeited differ. *Stam. Pl. Cor. fol. 186.* where those seem to be forfeited that have a known Owner, who has committed some Offence, whereby he loseth his Goods: *Confiscate* are those that are disavowed by an Offender, as not his own, nor claimed by any other. But *Forfeiture* is rather more general, and *Confiscation* particular to such as forfeit only to the Prince's Exchequer. *Full Forfeiture, (plena forisfactura,)* otherwise called *plena wita*, is a Forfeiture of Life and Member, and all else that a Man hath. *Manwood, Part. 1. pag. 341.*

**Forfeiture of Marriage,** (*Forisfactura Maritagii*,) Is a Writ which lay against him, who, holding by *Knights-Service*, and being under age, and unmarried, refused her, whom the Lord offer'd him, without his disparagement, and married another. *Fitz. Nat. Br. fol. 141. Reg. of Writs, fol. 163. b.*

**Forſeng, forſeng, & forvenge,** *Quietantiam prioris prisie designat; In hoc enim delinquit Burgenses Londonenses cum prisie suis ante prisias Regis faciunt.* *Fleta lib. 1. cap. 47.* See *Forfang.*

**forger of false Deeds,** (from the French *Forger*, i. To beat on an Anvil, or bring into shape,) Signifies either him that fraudulently makes and publishes false Writings, to the prejudice of any Man's Right, or else the Writ that lies against him, who commits this Offence. *Fitz. Nat. Br. fol. 96. b.* says, That a Writ of Deceit lies against him, who commits this Offence; and the penalty of it is declared in the *Stat. 5. Eliz. cap. 14.*

**forlandum.** — *Et de duobus Forlandis xvi denarios, sc. de Forlando Johannis Wauker, quod jacet ante terram Ecclesie, viii denarios, Mon. Angl. 2. Part. fol. 332.* Land extending further, or lying before the rest; a Promontory. For *Cam.* expounds *Cantium Promontorium*, the Foreland of *Kent.*

**forlet-land,** Was such Land in the Bishoprick of *Hereford*, as was granted or leased dum *Episcopus in Episcopatu steterit*; That the Successor might have it for his present Incom; But now that custom is disused, and the same Land granted, as others, by Lease, yet still retains the name. *Buttersfield's Survey, fol. 56.*

**forma pauperis,** or *In Forma pauperis*, is, when any Person has cause of Sute, and is fo



poor, that he cannot dispend the usual Charges of suing at Law, or in Equity: In this Case, upon his making Oath, that he is not worth 5 l. his Debts being paid, and bringing a Certificate from some Lawyer, that he has just Cause of Sute; the Judge admits him to sue *In Forma pauperis*, that is, without paying Fees to Counsellor, Attorney or Clerk: And this had beginning from the Stat. 11 Hen. 7. cap. 12.

**Formdon**, (*Breve de Forma donationis*,) Is a Writ that lies for him, who has right to any Lands or Tenements, by virtue of any *Intail*, growing from the Stat. of *Westm.* 2. cap. 1. There are Three kinds of it, viz. *Forma Donationis*, or *Formdon in the Descender*, *Formdon in the Reverter*, and *Formdon in the Remainder*. *Formdon in the Descender* lies for the recovery of Lands, &c. given to one and the Heirs of his Body; or, to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife, being Coſin to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For, after his decease, his Heir shall have this Writ against the Tenant or Alienee.

*Fitz. Nat. Br.* fol. 211, 217. and 214. makes Three sorts of this *Formdon in the Descender*: The First is in the manner now expreſſ'd: The Second for the Heir of a Co-parcner, that aliens and dies: The Third he calls *Inſimul tenuit*, which lies for a Co-parcner, or Heir in *Gavelkind*, before partition, against him to whom the other Co-parcner or Heir has alienated, and is dead. *Formdon in the Reverter* lies for the Donor or his Heirs; (where Land is entailed to certain Persons, and their Issue, with Condition, for want of such Issue, to revert to the Donor and his Heirs,) against him to whom the Donee alienateth, after the Issue extinct, to which it was entailed. *Formdon in the Remainder*, lies where a Man gives Lands in Tayle, the Remainder to another in Tayle, and afterwards the former Tenant in Tayle dies without Issue, and a stranger abates, then he in Remainder shall have this Writ, *Reg. of Writs*, fol. 238. 242. Of this see also the *New Book of Entries*, verbo, *Formdon*, and *Coke on Litt.* fol. 226. b.

**foznagium**, (*Fr. Fournage*,) — *Et Dominus Rex proinde amittit per an. de exitibus Fornagii sui x. libras.* *Pla. Parl.* 18 Edw. 1. in *Turr. Lond.* It signifies the Fee taken by a Lord of his Tenants, bound to bake in his common Oven, (as is usual in the North of England,) or for a permission to use their own; also Chimney-Money, or Hearth-Silver. See *Furnage*.

**Fornication**, (*Fornication*, from the *Fornices* in *Rome*, where lewd Women prostituted themselves for Money, *Anno* 1 Hen. 7. ca. 4.) Whoredom, the Act of Incontinency, in single Persons; for if either Party be Married, it is *Adultery*: The first Offence herein was punished with 3 months Imprisonment; the second was made Felony, by an Act made in the late Times of Usurpation. *Scobels Collection*, *Anno* 1650. cap. 10.

**Suffex.** *Præceptum est Vic. quod venire faciat Juratores, qui in Affisa Novæ Disſeiſinæ dubium fecerunt Sacramentum, tangens quandam Agnetam quam dixerant eſſe filiam Simonis de Punde patris prædictæ Agnetæ, & non dixerint eſſe hæredem. Et in eo quod dixerint quod Matilda, quæ fuit mater Agnetæ, fuit uxor dicti Simonis, & non dixerint utrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod prædictus Simon ſemper tenuit dictam Matildam ut uxorem ſuam, & dicunt quod nunquam dictam Matildam, matrem dictæ Agnetæ deſpoſavit; Sed dicunt quod prædictus Simon aliquo tempore captus fuit per amicos prædictæ Matildæ in Camera Fornicando cum ipſa Matilda, per quod compellebatur unum de tribus facere, uxorem vel ipſam affidare, vel vitam ſuam amittere, vel ipſam Matildam retro oſculare; ita quod ipſe Simon ibidem dedit fidem ſuam prædictæ Matildæ, matri prædictæ Agnetæ, quod ipſam deſponſare debuit, ſed ipſam nunquam alio modo deſponſavit, &c. Ideo prædicta Matilda de Kingsford ſoror prædictæ Simonis recepit ſeiſin. de 1 Meſſuag. &c. in Shepley, &c. Adam Gurdon & alii in miſericordia. Paſch. 4 Edw. 1. Rot. 7. Suffex.*

**forpiſe**, (*Forpiſum*, from the *Fr. For. i. Extra & Priſe captio*,) An exception or reſervation; In which ſenſe it is uſed in the Stat. of *Exon.* 14 Edw. 1. but there written *Horſepriſe*: We ſtill uſe it in Conveyances and Leaſes, wherein *Excepted* and *Forepriſed* is an uſual Expreſſion.

*C'eſt Indenture ſet entre Monsieur John Blount Chevalier, le Eſſne, d'une part, & Dame Johan Fouleſhurſt d'autre parte, Teſmoigne, que meſme les parties ſont iſſint aſſentuz, accordez, & aſſurez, que John Blount ſils & heir a dict Monsieur John deſuy eſpouſera, & prendra a femme Iſabel la file de dite Dame du ſi brieſe & dewe temps, que la dite Dame a ces propres cuſtages voidera ordeigner & ſeire, iſſint que le dit Dame paye a dit Monsieur John xx Markes a temps de l'eſpouſels, & xl. Liures a certeyne de pay, compris en un Obligation, le quelle le dite Dame a fait a dit Monsieur John, &c. Pour quel payment le dit Monsieur John enſcoffera ou fera en ſcoffer les ſuſdits John ſon ſils, & la dite Iſabel de ſon Manner joute Utteſkefather, appelle Blounts place, enſemblement ove toutes autres terres, tenements, rentes, ſervices, &c. Forpriſe le Parke, &c. appelle Blounts Parke, &c. A avoir, & tener a dit John ſon ſils, & Iſabel & les heyres que meſme cely John des Corps de meſme cely Iſabel engendera, &c. Donnee ſoubz les ſeales, &c. le jour de St. Luke. L'an de R. le Roy Hen. 4. diſme. Penes Wal. Kirkam-Blount Baronet.*

**Forrein**, Uſed for *Forreiner*. *Anno* 34 & 35 Hen. 8. cap. 18. See *Forein*.

**fozeſchoke**, (*Dereliſtum*,) Signifies originally as much as *forſaken* in our modern Language. It is ſpecially uſed in one of our Statutes, for Land or Tenements ſeiſed by the Lord, for want of Services due from the Tenant, and ſo quietly

quietly held and possessed beyond the year and day. As if we should say, that the Tenant, who, seeing his Lands or Tenements taken into the Lords hand, and possessed so long, takes not the course, appointed by Law, to recover them, does, in due presumption of Law, disavow or forsake all the Right he has to them: And then such Lands shall be called *Forschoke*, says the Stat. 10. Edw. 2. ca. unico.

**Foxles**, (*Catadupe*.) Water-falls. *Cam. Brit. tit. Westmorland.*

**Forsitel**, (*Forefallamentum*;) The learned *Spelman* says, 'tis *Via obstructio, vel itineris interceptio*; with whom agrees *Coke on Litt. fol. 161. b.* In *Domesday* 'tis written *Foristel*. *Hoc verbum Forsitel interpretari debet & intelligi ad impediendum aliquem vel insultandum in Regia strata & non alio modo.* *Pla. Parl. 18 Edw. 1.* Also we find in the Sax. Laws *forstel* to signifie opposition.

**Forstalling**, (*Viarum obstructio*, a Sax. *Fasl. i. Via, & frel*.) Signifies the buying or bargaining for any Corn, Cattel, or other Merchandise, by the way, before it comes to any Market or Fair to be sold, or by the way, as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek of this Realm, to the intent to sell the same again at a more high and dear price. *31 H. 3. Stat. 6. West. Part. 2. Symbol. tit. Inditements, Sect. 64.* *Forstaller*, (in *Cromptons Jurisd. fol. 153.*) Is used for stopping a Deer, broken out of the Forest, from returning home again, or laying between him and the Forest, in the way he is to return. *Fleta* says, *Significat obstructionem vie vel impedimentum transitus & fige averiorum, lib. 1. ca. 47.* See *Regyrators & Engrossers*. Who shall be adjudged a *Forstaller*, see in 5 & 6 Edw. 6. ca. 14. *Forital est, si aliquis portaverit Halec vel hujusmodi res ad forum, & statim alius venerit & emerit ab ipso illas res, ut carius vendat, Prior habebit emendas ab ipso.* *Ex Reg. Priorat. de Cokesford.* See 3 *Part. Inst. fol. 195.*

**Fortility**, **Fortilice** & **fortelet**, (*Fortalium, vel Forreletum, & Fortellecum*;) (— *Within the Towns and Fortilities of Berwick and Carlisle.* *Anno 11 Hen. 7. ca. 18.*) Signifies properly a little fortified House or Castle, made rather to preserve the Person of the Owner and his Goods, than to endure a Siege.

**fortlet**, (*Fr.*) A place of some strength, a little Fort. *Old Nat. Br. fol. 45.*

**fossa et furca**. See *Furca*.

**Fossatum**, (*Lat.*) A Ditch or a place fenced with a Ditch or Trench. — *Ex dono Hen. Regis avi nostri unum Fossatum tam largum, quod naves possint ire & redire a flumine de Withonia usque ad Topholme.* *Carta 20 Hen. 3. m. 9.* where it seems to signifie a (cut) River.

**fosse-way**, (from *Fossus*, digg'd,) Was anciently one of the Four great High-ways of England; so called, because in some places it was never perfected, but left as a great Ditch. See *Watlingstreet*.

**Foster-land**, (*Sax.*) Land given, assigned, or allotted, to the finding of Food or Victuals, as in Monasteries for the Monks.

**Fother** or **Fodder** (a Teut. *Fader*.) Is a Weight (of Lead,) containing Eight Pigs, and every Pig One and twenty Stone and an half, which is about a Tun, or a common Wain or Cart Load. *Speight in his Annotations upon Chaucer.* I find also, in the *Book of Rates*, mention of a *Fodder of Lead*, which is there said to be 2000 weight: At the Mines 'tis 22 hundred weight and an half; among the Plumbers at London 1900 and an half.

**Fouage**, (*Fr.*) See *Fuage*.

**founder** (from *fundere*, to pour,) Is he that melts Metal, and makes any thing of it, by pouring or casting it into a Mold. *Anno 17 Rich. 2. cap. 1.*

**fourcher**, (*Fr. fourchir, i. Titubare lingua*.) Signifies a putting off, prolonging or delay of an Action: And it appears no unpleasant Metaphor; for, as by stammering, we draw out our speech, not delivering that we have to say, in ordinary time, so by *fourching*, we prolong a sute that might be ended in a shorter space. In *Westm. 1. cap. 42.* you have these words, *Co-parteners and Joyntenants shall no more fourch, but only shall have one Elloyn, &c.* And *Anno 6 Edw. 1. cap. 10.* it is used in the same sense. — *The Defendants shall be put to answer without fourching, &c.* *Anno 23 Hen. 6. cap. 2.* See 2 *Part. Inst. fol. 250.*

**fourteild** or **fourteild**, (Compounded of two German Words, *fous, i. pes*, and *gyltan, i. solvere, q. pedis redemptio*.) Signifies an Amercement for not cutting out the Balls of great Dogs Feet in the Forest. See *Expediata*. And to be quit of *Footgeld*, is a Priviledge to keep Dogs within the Forest, unlawed, without punishment or controul. *Cromptons Jurisd. fol. 197.* *Manwood, part. 1. pag. 86.* This Priviledge was allowed in *Aff. Forest. de Pickring, 10. Edw. 3.*

**fowls of Warren**. See *Warren*.

**frampole fences**, Are such Fences as any Tenant, in the Mannor of *Wristel* in *Essex*, hath against the Lords demans; whereby he hath the Wood growing on the Fence, and as many Trees or Poles, as he can reach from the top of the Ditch with the Helve of his Ax, towards the repair of his Fence. I have heard the late Chief Justice *Brampston*, whilst he was a Practiser and Steward of this Court, did acknowledge he could not find out the reason why these Fences were called *Frampole*. It may come from the Sax. *Fremful*, profitable, or may be a corruption of *Francpole*, because the Poles are free for the Tenant to take.

**franchilanus**, (from the *Fr. Franchi, i. free*.) a Freeman. *Sciatis me dedisse, — cum villanis & Franchilano, nomine Hamone, & cum tenurp eorum, &c.* *Carta Hen. 4. 2. in m. Mod. Angl. 1. part. fol. 442. b.* And in *Domesday* we find *Francus homo* used for a Freeman.

**franchise** (*Fr.*) Is sometimes taken for a privilege or exemption from ordinary Jurisdiction



diction, and sometimes an immunity from tribute. It is either Personal or Real, (*Crompt. Jurisd. fol. 141.*) that is, belonging to a Person immediately, or else by means of this or that place, or Court of Immunity, whereof he is either chief, or a Member. In what particular things, *Franchises*, commonly consist, See *Britton, cap. 19.*

*Franchise Royal*, (*Anno 15. Rich. 2. cap. 4. and 2 Hen. 5. cap. 7. in Fine.*) Seems to be that where the Kings Writ runs not, as *Chester* and *Durham*, which are called *Seignories Royal*, *Anno 28 Hen. 6. cap. 4.* And formerly *Tyndal* and *Exanshire* in *Northumberland*. *2 Hen. 5. cap. 5.* *Franchise Royal* (according to another Author,) is, where the King grants to one and his Heirs, that they shall be quit of Toll, or such like. See *Franchise* in the *New Book of Entries*, and *Bracton, lib. 2. cap. 5.* See *Saci*.

*Francigena*. See *Englecerie*.

*franching*. *Qui libere tenet.* A Freeholder. *Vide Fortescue de LL. Angl. cap. 29.*

*frank-almoyn* (*Fr. Franc-almoine.*) Is a Tenure or Title of Lands or Tenements bestowed upon God, that is, given to such people, as devote themselves to the Service of God, in pure and perpetual Alms; whence the Feoffers or Givers cannot demand any terrestrial Service, so long as the Lands remain in the hands of the Feoffees. *Grand Customary of Norm. cap. 23.* Of this you may read *Bracton* at large, *lib. 2. cap. 5. & 10. and Fitz. Nat. Br. fol. 211.* *New Book of Entries, verbo, Frank-almoyn.* But *Britton* (*cap. 66. num. 5.*) makes another kind of this Land, which is given in Alms, but not free Alms, because the Tenants in this are tied in certain Services to the Feoffor.

*frank-bank*. See *Freebench*.

*frank-chafe*, (*Fr.*) Is a liberty of Free chafe, whereby all Men, having Ground within that compass, are prohibited to cut down Wood, &c. without the view of the Forester, though it be his own Demesne. *Crompt. Jurisd. fol. 187.*

*Frank-fee* (*Feudum Liberum.*) Is (by Broke, *tit. Demesne, num. 32.*) thus expressed; That which is in the hand of the King, or Lord of any Mannor, being Ancient Demesne of the Crown, (*viz. the Demesne.*) is called *Frank-fee*, and that in the Tenants hands is ancient Demesne only. See *Reg. of Writs, fol. 12. a.* which says, that is *Frank-fee*, which a Man holds at the common Law to him and his Heirs, and not by such Service as is required in Ancient Demesne, according to the custom of the Mannor. And that the Lands which were in the hands of King *Edward the Confessor*, at the making of *Domesday Book*, is ancient Demesne, and all the rest *Frank-fee*; wherewith *Fitzherbert* agrees, (*Nat. Br. fol. 161.*) So that all the Lands in the Realm, by this Rule, are either Ancient Demesne or *Frank-fee*. Another defines *Frank-fee* to be a Tenure in Fee-Simple of Lands, pleadable at the common Law, and not in Ancient Demesne. *Feudum francum est, pro*

*quo nullum servitium prestatum Domine*, says *Frachineus, lib. 7. cap. 39.*

*frank-tenn*, (*Firma Libera.*) Is Land or Tenement wherein the nature of Fee is changed by Feofment out of Knights-Service, for certain yearly Services; and whence neither Homage, Wardship, Marriage, nor Relief, may be demanded, nor any other Service not contained in the Feofment. *Britton, cap. 66. num. 3.* See *Fee-farm*.

*Frankfold*. Is where the Lord hath the benefit of folding his Tenants Sheep within his Mannor, for the Manuring his Land. *Keil. Rep. fol. 198. a.* *Quod Vassallis olim & Usufructuarius denegarum, Maneriorum & pradiorum Domini solum competebar*, says *Mr. Somner*. It is compounded of the *Fr. Franc*, i. free; and the *Sax. Fald*, i. a Fold. See *Faldage*.

*frank-law*, (*Libera Lex.*) Is the benefit of the Free and Common Law of the Land. He that for any Offence, as Conspiracy, &c. loseth his *Frank-Law*, is said to fall into these mischiefs; first, He may never be impannelled upon any Jury or Assize, or otherwise used in testifying any Truth. Next, If he have any thing to do in the Kings Court, he must not approach it in Person, but appoint his Attorney. Thirdly, His Lands, Goods, and Chattels, must be seised into the Kings hands, and his Lands must be Estreated, his Trees rooted up, and his Body committed to Prison. Thus *Crompton* in his *Just. of Peace, fol. 156.* Who cites the *Book of Assises, fol. 59.* See *Conspiracy*.

*frank-marriage*, (*Liberum Maritagium.*) Is a Tenure in Tail-special, growing from these words in the gift. *Sciatis, &c. me T. B. de O. dedisse & concessisse, & presenti Charta mea confirmasse A. B. filio meo & Maria uxori ejus, filie vere C. D. in liberum maritagium unum Messuagium, &c. West, par. 1. Symbol. lib. 2. sect. 303.* The effect of which words is, That they shall have the Land to them, and the Heirs of their Bodies, and shall do Fealty to the Donor, until the fourth degree. *Glanvil lib. 7. cap. 18. and Bracton, lib. 2. cap. 7. num. 4.* where he divides *Maritagium, in liberum, & servitio obligatum.* See *Marriage*. *Fleta* gives this reason why the Heirs do no Service until the fourth degree. *Ne Donatores vel eorum heredes per homagii receptionem, a reversione repellantur.* And why, in the fourth descent and downward, they shall do service to the Donor, *Quia in quarto gradu vehementer presumitur, quod terra non est pro defectu heredum Donatorum reversura*, *lib. 3. cap. 11.*

*frank-pledge* (from the *Fr. Frank*, i. *Liber* & *Pleige*, i. *Fidejussor*.) Signifies a Pledge or Surety for Freemen. The ancient custom of England, for preservation of the publick Peace, was, that every free-born Man, at Fourteen years of Age, (Religious Persons, Clerks, Knights, and their Eldest Sons, excepted,) should find Surety for his Truth, towards the King and his Subjects, or else be kept in Prison; whereupon a certain number of Neighbors became customably

customably bound one for another, to see each Man of their *Pledge* forth coming at all times, or to answer the Transgression committed by any gone away. So that whoever offended, it was forthwith enquired in what *Pledge* he was, and then those of that *Pledge*, either brought him forth within One and thirty days to his answer, or satisfied for his Offence. This was call'd *frank-pledge*, and the circuit thereof *Decenna*; because it commonly consisted of Ten Households; and every particular person thus mutually bound for himself, and his Neighbors, was called *Decennier*; because he was of one *Decenna* or other. This custom was so kept, that the Sheriffs, at every County Court, did from time to time take the Oaths of young ones, as they grew to Fourteen years of Age, and fee, that they were settled in one *Dozen* or another; whereupon this Branch of the Sheriffs Authority was called *Visus Franci-plegii*, View of Frank-pledge. See the Statute for View of Frank-pledge, Anno 18 Edw. 2. See *Decennier*, *Leet*, View of Frank-pledge, and *Friborh*. What Articles were wont to be enquired of in this Court, see in *Horns Mirror*, lib. 1. cap. De la *Veneu des Francs-pleges*; and what those Articles were in ancient times, see in *Fleta*, lib. 2. cap. 52. See also 2 Part. *Inst.* fol. 73. — And if there be any person within the Ward, that is not under Franc-pledge, that is to say under Love and Law, &c. Out of an *Ancient Charge of the Quest of Wardmote* in London.

**Fraxetum**, A Wood or woody Ground. 1. *Inst.* fol. 4. b. I take it to be a Corruption of *Fraxinetum*, a Wood where Ashes grow.

**Frater Putricius**, A Bastard Brother; so *Malmesbury* uses it; and so I have seen it used in old Deeds.

**Free-bench** (*Franc-Bank*, *Francus Bancus*, i. *Sedes Libera*,) Signifies that Estate in Copihold Lands which the Wife, being espoused a Virgin, hath, after the death of her Husband, for her Dower, according to the custom of the Mannor (*Kitchin*, fol. 102.) As at *Orleton* in the County of *Hereford*, the relict of a Copihold Tenant is admitted to her *Free-Bench*, that is, to all her Husbands Copihold Lands, during her Life the next Court after her Husbands death. *Bracton*, lib. 4. tract. 6. cap. 13. num. 2. hath these words, *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant Francum Bancum suum de terris Sockmannorum, & tenent nomine dotis*. *Fitzherbert* calls it a Custom, whereby in certain Cities the Wife shall have her Husbands whole Lands, &c. for her Dower. *Nat. Br.* fol. 150. See *Plowden*, *Casu Newis* fol. 411.

Of this *Free-Bench* several Mannors have several Customs; As it is the Custom of the Mannors of *East* and *West Enborn* in the County of *Berks*; That if a Customary Tenant dye, the Widow shall have her *Free-Bench* in all his Copihold Lands, *Dum sola & casta fuerit*, but if she commit Incontinency, she forfeits her Estate; yet if she will come into the Court ri-

ding backward on a Black Ram, with his Tail in her hand, and say the words following, the Steward is bound, by the Custom, to re-admit her to her *Free-Bench*:

Here I am,  
Riding upon a Black Ram,  
Like a Whore as I am:  
And for my Crincum Crancum  
Have lost my Binkum Bankum.  
And for my Tails Game,  
Have done this Awfully shame.  
Therefore I pray you Pr. Steward let me  
have my Land again.

The like Custom is in the Mannor of *Tor* in *Devonshire*, and other parts of the West.

**Fræsbou**, (*Francbordus & Francus bordus*,) — *Et totum boscum quod vocatur Brendewode, cum Francbordo, duorum p'dium & dimid. per circuitum illius bosci* — *Mon. Angl.* 2 Part. fol. 241. a. In some places more, in some less, is claimed as a *Free-Bord*, beyond, or without the Fence.

**Fræschappel**, (*Libera Capella*,) Is (in the Opinion of some,) a Chappel founded within a Parish for the Service of God, by the Devotion and Liberality of some good Man, over and above the Mother Church, to which it was free for the Parishioner to come, or not, and endowed with maintenance by the Founder, and therefore called *Free*. Others say, and more probably, that those only are *Free-Chappels*, which are of the Kings Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chappel, and by his Charter exempt it from the Ordinary's Visitation also. That it is called *Free*, in respect of its exemption from the Jurisdiction of the Diocesan, appears by the *Register of Writs*, fol. 40. and 41. These Chappels were all given to the King with *Chantries* also, Anno 1 Edw. 6. cap. 14. *Free-Chappel* of *St. Martin le Grand*. Anno 3 Edw. 4. cap. 4. & 4 Edw. 4. cap. 7.

**Freehold**. See *Frishtoll*.

**Freehold**, (*Liberum tenementum*,) Is that Land or Tenement which a Man holds in Fee, Fee-tail, or for term of Life. *Bracton*, lib. 2. cap. 9. And it is of two sorts; *Freehold in Deed*, and *Freehold in Law*: The first is the real Possession of Land or Tenement in Fee, Fee-tail, or for Life: The other is the right a Man has to such Land or Tenement before his entry or seisure. *Freehold* is likewise extended to those Offices, which a Man holds either in Fee, or for Life. *Briston* defines it to this effect, *Franktenement* is a possession of the Soyl, or Services issuing out of the Soyl, which a Freeman holds in Fee, or at least for Life, though the Soyl be charged with free-services, cap. 32. *Freehold* is sometimes taken in opposition to *Villenage*.

*Lambert* (in his Explication of Saxon words) *Verbo, Terra ex scripto*, says, Land, in the Sax-



ons time, was called, either **Bookland**, i. holden by Book or Writing; or **folckland**, held without Writing: The former he reports was held with far better condition, and by the better sort of Tenants, as Noblemen and Gentlemen, being such as we now call **Freehold**: The later was commonly in the possession of Clowns, being that we now call, *At the Will of the Lord*. Reg. Judicial, fol. 68. a. says, That he, who holds Land upon an execution of a Statute-Merchant, untill he be satisf'd the Debt, *Tenet ut liberum tenementum sibi & assignatis suis*; and fol. 73. the same of a Tenant *per Elegit*; where I conceive the meaning is, not that such Tenants are **Freeholders**, but as **Freeholders** for their time, until they have received Profits to the value of their Debt. **Freeholders** in the ancient Laws of Scotland were called **Milites**, according to Skene, verbo, **Milites**.

**Frenchman**, (*Francigena*,) Was anciently used for every stranger. *Bracton*, lib. 3. Tract. 2. cap. 15. See *Englecery*.

**friendles man**, Was the old Saxon word for him whom we call an **Out-Law**; The reason is, because he was, upon his Exclusion from the Kings Peace and Protection, deny'd all help of friends after certain days. *Nam forisfecit amicos*. *Bracton*, lib. 3. Tract. 2. cap. 12. num. 1. says thus; *Talem vocant Angli Uclaugh, & alio nomine antiquitus solet nominari friendles man, & sic videtur, quod forisfecit amicos; & unde, si quis talem post utlagatariam & expulsiorem scienter paverit, receptaverit vel scienter communicaverit aliquo modo, vel occultaverit, eadem pena puniri debet, qua puniretur utlagatus; ita quod careat omnibus bonis suis & vita, nisi Rex ei parcat de gratia sua*.

**friendlike vel Inteng**, Significat quietetiam priora prise ratione convivi. *Fleta*, lib. 1. cap. 47.

**freely Disseisin**, (from the Fr. *Freiz*, i. Recens, & *Disseisin*, i. Possessione ejicere,) Signifies that Disseisin, which a Man may seek to defeat of himself, and by his own power, without the help of the King or Judges, and which is not above fifteen days old. *Britton*, cap. 5. Of this you may read *Bracton*, lib. 4. cap. 5. at large, concluding, that it is Arbitrary.

**Fresh fine**, Is that, which was levied within a year past. *Westm*, 2. cap. 45.

**Fresh force**, (*Frisca fortia*,) Is a force done within forty days. *Fitz. Nar. Br.* fol. 7. For if a Man be Disseisd of any Lands or Tenements within any City or Borough, or deforced from them after the death of his Ancestor, to whom he is **Heir**, or after the death of his Tenant for Life, or in Tayl, he may, within forty days after his Title accrued, have his remedy by an Assise or Bill of **Fresh force**. See *Old Nat. Br.* fol. 4. 2.

**Fresh sute**, (*Recens insecutio*,) Is such a present and active following an Offender, as never ceases, from the time of the Offence committed or discovered, until he be apprehended: And the benefit of the pursuit of a

Felon, is, That the Party pursuing shall have his Goods restored to him, whereas otherwise they are the Kings; Of this see *Stamf. Pl. Cor. lib. 3. ca. 10 and 12*. where you shall find what sute is to be accounted **fresh**, and what not. The same Author (*lib. cap. 27.*) saith, that **Fresh sute** may continue for seven years. See *Coke's Reports*, lib. 3. *Rigeways Case*. **Fresh sute** is either within the view or without. For *Manwood* says, That upon **fresh sute** within the view, Trespassers in the Forest may be attacked by the Officers pursuing them, though without the Limits of the Forest, *pa. 2. cap. 19. num. 4.*

**Fretum & freaum**, The Freight of a Ship. — *Quoad Fretum navium suarum vina & alia mercimonia ducentium*, &c. *Pla. Parl. 21 Edw. 1. v. Affretamentum*.

**frat**, or **frer**, (*Lat. Frater*, Fr. *Frere*,) An Order of Religious Persons, of which these are reckoned the principal Branches, *Anno 4 H. 4. ca. 17. viz. Minors, Grey Friars, or Franciscans; Augustins, Dominicans, or Black-Friars, and White-Friars, or Carmelites*, from which the rest descend. See *Zecchius de Repub. Eccles. pa. 380.* and *Linwood, tit. de relig. Domibus, c. 1. verbo, Sancti Augustini*.

**fridburgh alias frithborg**, (from the Sax. *Fríp* i. Pax. and *borg* i. *Fidejussor*,) Is the same with **Franchpledge**, the one being in the Saxons time, the other since the Conquest; wherefore, for the understanding this, read **Frankpledge**, and the Laws of King Edward, set out by *Lambert*, fol. 143. in these words; *Præterea est quedam summa & maxima securitas, per quam omnes statu firmissimo sustinentur, viz. ut unusquisque stabiliat se sub fidejussionis securitate, quam Angli vocant, (freoborghes,) soli tamen Eboracenses dicunt eandem (Wienmannatale,) quod sonat latine decem hominum numerum, &c.* *Bracton* mentions **Fridburgum**, lib. 3. Tract. 2. cap. 10. in these words, *Archiepiscopi, Episcopi, Comites & Barones & omnes qui habent Soc & Sak, Tol & Team, & hujusmodi libertates, milites suos & proprios servientes, Armigeros, &c. Dapiferos, & pincernas, camerarios, cognos, pistores, sub suo Fridburgo habere debent. Item & isti suos Armigeros & alios sibi servientes; quod si cui forsifecerint, ipsi Domini sui habeant eos ad rectum, & si non habuerint, solvant pro eis forsifacturam. Et sic observandum erit de omnibus aliis qui sunt de alicujus manupastio*. Where we learn the reason, why great Men were not combined in any ordinary **Dozein**; because they were a sufficient assurance for themselves, and for their menial Servants, no less than the Ten were one for another in ordinary **Dozeins**. See *Skene* verbo **Freiborg**. *Fleta* writes it **Frithborg**, and useth it for the principal Man, or at least for one of the **Dozein**, lib. 1. cap. 47. See *Hoveden parte poster. Annal in Hen. 2. fol. 345.* But *Spelman* makes a difference between **Frithborg** and **frithborg**, saying, The first signifies *libera securitas*, or *fidejussio*; the other *pa-cis securitas*.

**fridroll**

**Fridstoll & Frithstow**, (from the Sax. *Frip*, pax; *stol*, sedes, cathedra; *stow*, locus.) A Seat, Chair, or place of Peace. In the Charter of Immunities granted to the Church of St. Peter in York, by Hen. 1. and confirmed An. 5 H. 7. Thus, -- *Quod si aliquis, versino spiritu agitur, dialolico ausu quemquam capere presumeret, in Cathedra lapidea juxta Altare, quod Anglici vocant Fridstoll, i. Cathedra quietudinis vel pacis; hujus tam flagitiosi Sacrilegii emendatio sub nullo Judicio erat, sub nullo pecunie numero clauderetur, sed apud Anglos Witeles, hoc est, sine emenda, vocabatur.* Of these there were many others in England, but, the most famous at Beverley, which had this Inscription, *Hac sedes lapidea Fredstoll dicitur, i. Pacis Cathedra, ad quam reus fugiendo perveniens, omnimodam habet securitatem.* Camb.

**Frier observant**, (*Frater observans*.) Is a branch of the Franciscans, which are *Minores tam observantes quam conventuales & Capuchini*. These we find spoken of Anno 25 Hen. 8. cap. 12. who are called *Observants*, because they are not combined together in any Cloister, Covent, or Corporation, as the *Conventuals* are; but, only by themselves, to observe the Rules of their Order, and more strictly than the *Conventuals* do; and, upon a singularity of zeal, separate them-

selves from them, living in certain places of their own choosing; of whom you may read *Hospinian de Orig. & progress. Monachatus, cap. 38. fol. 878.*

**Friperer**, (*Fr. Friper. i. Interpolator.*) One that furbushes and scowers up old Apparel to sell again. It is used for a bastardly-kind of Broaker. Anno 1 Jac. cap. 21.

**Frithbæth**, (*Sax.*) *Pacis violatio*. LL. Ethelredi. cap. 6. See Frythe.

**Frithburgh**. See Friburgh.

**Frithmore** — Per Frithmote *Jo. Stanley Ar. clamat capere annuatim de villa de Olton, quæ est infra Feodum & Manerium de Aldford infra Forestam de la Mara x. sol. quos Comites Cestrie ante consecutionem Cartæ prædictæ solebant capere.* Pl. in Itin. apud Cestriam. 14 Hen. 7.

**Frithocne & Frithsok**, (*Frip. i. Pax. & Jocne, Libertas.*) Tuendæ pacis jurisdictio; or, (according to Fleta) *Libertas habendi franci plegii*; or, *immunitatis locus*.

**Froborg, or Froburgh**, (from the Saxon, *Freo*, i. Free; and *borg*, i. *Fidejussor*.) See Friburg and Franc-pledge.

**Frodmortel**, rectius *freomortel*, (from the Sax. *Freo*, Free, and *Mort-dæd*, Murder.) An Immunity or Freedom granted for committing Murder or Man-slaughter.

Carta Adelstani Regis, Sancto Wilfrido de Rippon concessa.

Alþæt all that es and es gan  
 Þat ik King Adelstan  
 As gíven als frelith as I may  
 And to þe Capitel of Seint Wilfrai  
 Of my free Devotion  
 Þair pees at Rippon

\* Makes it a Sanctuary. On ilke side the \* Ryrke a mile  
 For all ilk deeds and yke agyle

\* Sedes pacis. And within þair Ryrke þate

At þe stau þat \* Grithstole hate.

Alithin þe Ryrke doze and þa quare

Þair have pees for les and mare.

Ilkan of þis stedes sal have pees

Of Frodmortel and ils deeds

Þat þair don is, Tol, Tem,

\* Fire and Alith \* Iron and with Alwater deme,

Water, Or- And þat þe Land of Seint Wilfrai

dæl. Of alkyn \* geld fre sal be ay.

\* Free from At nai nan at langes me to

Tax and Tri- In þair \* Herþac sal haue at do

bute. And for ik will at þai be saue

\* Frithsok, or I will at þai alkyn freedome haue:

place of Im- And in all thinges be als free

munity. As hert may thiuke, or epgb may see

At te power of a Kinge

Ex Monast. Þatts make free any thyng.

Angl. 1. pag. And my seale have I lat þerto

fol. 172. b. For I will at no þan it undo.



**Frumgylb**, (Sax.) *Prima Capitis aestimationis pensio vel solutio*. The first payment made to the Kinred of a slain person, in recompence of his Murder. LL. *Edmundi*, cap. ult.

**Frumstol**, (Sax.) *Sedes primaria*, the chief Seat or Mansion-House; by some called the *Hornestol*. LL. *Ina Regis*, cap. 38.

**Frustrura**, (from the Fr. *Froissure*.) A breaking down or demolishing, also a plowing or breaking up. — *Dedi eis nonam garbam tam in Frustruris, quae de novo sunt, quam in, &c.* Mon. Angl. 2 Par. fol. 394. b. — *nec licebit eis aliquam partem pasturae frassire, vel excolere sine licentia*. Finalis Concord. in Curia Dom. Regis apud Litchfield coram Roger. de Thurkilby, &c.

**Frustrum terrae**, A small piece of Land. *Residuum quiddam, praeter acras numeratas vel campum mensuratum. Cum in Domestday Frustrum terrae accipiatur pro ampla portione seorsum à campo, villa, Manerio, jacenti.* Domestday, tit. Hantific. Rex. Abdestone. In Insula habet Rex unum Frustrum terrae unde eximit 61. Vomeres. lego Frustrum. *Spelm.*

**Frutetum**, A place where Shrubs, or great Herbs with big Stalks grow. — *Damus etiam eisdem decimas de omnibus Novalibus nostris. i. De terris quas de paludibus & de fructibus in terram arabilem traximus, per nummos vel per Kirsere.* Mon. Angl. 3 Par. fol. 92. a.

**Fryth**, Sir Edward Coke (on Littl. fol. 5. b.) expounds it, a Plain between two Woods, a Lawnd. Chaucer uses it for a Wood. Camden (in his Britan.) for an Arm of the Sea, or a Streight between two Lands, from *Fretum*. — *Maketh his issue into the Estuary or Frith of Thames.* Smith (in his *Englands Improvement*) makes it signifie all Hedge-wood, except Thorns. How to reconcile these, I know not; but am sure the Saxon *Frip*, signifies Peace, and that *Fryth in our Records is often used for a Wood. *Leitor, tu tibi Oedipus esto.**

**Frythborgh**, from the Sax. *Frip*, i. Pax, and *borge*, *fidejussor*. — *Et sint quieti de Frythborgh, & de Blodewite, Fithwyte, & Ferdwyte, &c.* 4 Pasch. 6 Hen. 4. Rot. 24. It might here signifie a Freedom from giving security of the Peace.

**Fuage or Focage**, (Fr. *Fouage*.) In the Reign of Edward the Third, the Black Prince having Aquitain granted him, laid an Imposition of Fuage or Focage upon the Subjects of that Dukedom, viz. A Shilling for every Fire, called *Herb-Silver*. Rot. Parl. 25 Edw. 3. and *Froissart*, cap. 141.

**Fuarium**. See *Sidlingi*.

**Fuer**, (Fr. *fuir*, Lat. *fugere*.) Though it be a Verb, yet it is used substantively, and is twofold, *Fuer en fait*, (in fact,) when a Man does apparently and corporally flee; and *Fuer en ley*, (in lege,) when, being called in the Country, he appears not until he be outlawed, which is flight in the interpretation of Law. *Stamf. Pl. Cor. lib. 3. cap. 22.*

**Fuga Catallorum**, A Drove of Cattle. See *Streteward*.

**Fugacitas**, Signifies a Chase, and is all one with *Caesca*. *Charta Matildis Imperatricis Miloni de Gione*. — *Præcipio, quod hæc omnia teneat de me — libere & quiete, in bosco & plano, in Forestis & Fugaciis, in pratis & pasturis, &c.*

**Fugare & refugare Catalla**, To drive Cattle to and fro, forward and backward. *Antiq. of Nort. Shire*, fol. 462.

**Fugatio**, pro *fugandi actus*, Hunting, or the liberty or privilege to Hunt. *Et Cives habebant fugationes suas ad fugandum, sicut melius & plenius habuerunt Antecessores eorum, in Chiltre & Middlesex & Surr. &c.* Carta Libertat. Hen. 1. Civibus London. *Fugatio Forestæ*, the drift of the Forest.

**Fugerium**, (Fr. *Fugiere*.) Fearn. Liskiret. Item est ibidem quidam boscus vocat. Clyne, qui valet per annum, cum Pamiagio, melle, fugerio & Jamno ejusdem, iii s. Survey of the Duchy of Cornwall. Claus. 1 Ed. 3. Par. 2. M. 1. Dorset. In an old Forest-Book of Shirewood it is interpreted *Gorftegrasse*.

**Fugitives Woods**, (*Bona fugitivorum*.) Are the proper Goods of him that flies upon Felony, which, after the flight lawfully found, do belong to the King, or Lord of the Mannor. *Coke*, vol. 6. fol. 109. b. See *Waif*.

**Fullum aquæ**, A Stream of Water, a Fleam, such as comes from a Mill.

**Fumage**, (Fr. *Fumagium*.) Dung, or a Manuring with Dung. — *Et sint quieti de Fumagio & Maremo caviando, &c.* Carta R. 2. Priorat. de Hertland. Pat. 5 Ed. 4. Par. 3. M. 13. Yet *Fumagium* is sometimes used for *Smoke-Silver*, as in Domestday, tit. *Arenesfeld*.

**Fumathoes or Fumadoes**, 14 Car. 2. cap. 31. Our Pilchards, garbaged, salted, hanged in the Smoak, and pressed, are so called in Italy and Spain, whither they are carried in great numbers.

**Funditores**, Used for Pioneers, in Pat. 10 Edw. 2. M. 1.

**Furca**, seu *Catefuria*, & *fossa*, (i. Gallows and Pit.) In ancient Privileges it signified a Jurisdiction of punishing Felons, that is, Men, with Hanging; Women, with Drowning: Of which last, take this notable example out of the Records of Rochester Church, in the time of Gilbert, Bishop there, who flourished under Richard the First, Anno 1200.

Item duo mulieres venerunt in villam de Suffiæte, quæ furata fuerunt multos pannos in villa de Croudone, & secuti sunt eas homines ejusdem ville de Croudone, quorum pannos furtive asportaverunt usque in villam de Suffiæte, & ibi captæ fuerunt & incarceratione, & habuerunt judicium suum in Curia de Suffiæte, ad portandum calidum ferrum, quarum una fuit salva, & altera clammata, unde submersa fuit in Bikespole. Et hoc totum corrigi tempore Gilberti Domini Episcopi, & in quolibet judicio fuerunt Coronarii Domini Regis. Et Paulus de Stanes fuit tunc Cacherellus de Hundredo de Astane. Et per illud tempus Robertus de Hecham Monachus fuit

*fuit custos de Manerio de Duffliete, & ad mulieres judicandas fuit Dominus Henricus de Cobeham, & alii plures homines, discreti homines de Patria.* Fella is taken away, but Furca remains, says Sir Edward Coke in his 3 *Inst.* fol. 58.

**Furlong,** (Sax. *Fuþlanſ*.) Is a quantity of Ground, containing, for the most part, forty Perches, or Poles, in length, and every Pole sixteen Foot and a half, eight of which Furlongs make a Mile. *Anno 35 Edw. 1. cap. 6.* It is otherwise, the eighth part of an Acre; yet I find in an old Book, Printed in Henry the VIII's time, That six hundred Foot, by fivescore to the Hundred, make a Furlong. See *Acre*. In the former signification, the Romans call it *Stadium*, in the later *Fugerum*.

Furlong, is sometimes used for a piece of Land of more or less Acres. *Omnibus Christi Fidel.* — *Johannes Blount de Eye Arm.* — *Dedit Thome Croft & Francisco Lovel Arm. unum Furlongum terre arabilis continen. per estimationem quatuor Acres, &c. Dat. 20 Jan. 3 Eliz.*

**furnage,** (*Furnagium*, Fr. *Fournage*.) *Est tributum quod Domino furni à sctatoribus penditur ob furni usum. Multis enim in locis tenentur vasalli ad coquendum panes suos in furno Domini. Est etiam lucrum seu emolumentum quod pistori conceditur in pistionis sumptus & mercedem. Et tunc potest pistor de quolibet quarterio frumenti lucrare 4 Den. & fursur, & duos panes ad furnagium. Assisa panis & Cervisia. Anno 51 Hen. 3. See *Fornagium*.*

**furr,** (from the Fr. *fourer*, i. *pelliculare*, to line with Skins.) The Stat. 24 Hen. 8. cap. 13. mentions divers kinds of it; as *Sables*, which is a rich Furr of colour between Black and Brown, being the Skin of a Beast called a *Sable*, of bigness between a Polecat and an ordinary Cat, bred in *Russia*, but most and best in *Tartaria*. *Lucerns*, the Skin of a Beast so called, being near the bigness of a Woolf, of colour between Red and Brown, and mingled with Black-Spots, bred in *Muscovia* and *Russia*, and is a very rich Furr. *Genets*, is the Skin of a Beast so called, of bigness between a Cat and a Weezle, mailed like a Cat, and of that nature, bred in *Spain*; whereof there are two kinds, *Black* and *Grey*, the Black the more precious, having Black-spots upon it hardly to be seen. *Foins* is of fashion like the *Sable*, bred in *France*, for the most part; the top of the Furr is Black, and the Ground whitish. *Martern*, is a Beast very like the *Sable*, the Skin something courser, the best are in *Ireland*. *Miniver*, is nothing but the Bellies of Squirrels, as some say; others say it is a little Vermin, like a Weezle, Milk-white, and comes from *Muscovy*. *Fitch*, is that which we otherwise call the Polecat. *Shanks*, are the Skin of the Shank, or Leg, of a kind of Kid, which bears the Furr, we call *Budge*. *Colaber*, is a little Beast in bigness near a Squirrel, of colour Grey, and bred most in *High Germany*.

**fustic**, A kind of Wood, which Dyers use, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 Car. 2. cap. 18.

## G.

**Galel,** (*Gabella*, *Gablum*. Sax. *Gafol* alias *Gafel*, Fr. *Gabelle*; i. *Vestigal*.) hath the same signification among our old Writers, as *Gabelle* hath in *France*; for Camden (in his *Britan.* pag. 213.) speaking of *Wallingford*, says, *Continebat 276 lugas, i. Domos reddentes novem libras de Gablo.* And pag. 228. of *Oxford*, thus, *Hec urbs reddebat pro Telonio & Gablo & aliis consuetudinibus per annum Regi quidem viginti libras & sex sextarios mellis; comiti vero Algaro decem libras.* *Gabella* (as *Cassaneus* defines it, *de Consuetud. Burgund.* pag. 119.) *est vestigal quod solvitur pro bonis mobilibus, id est, pro his que voluntur.* — Distinguishing it from *Tributum*; *quia tributum est propriè, quod fisco vel principi solvitur pro rebus immobilibus.*

**Gablatores**, Those that paid Gabel, Rent or Tribute. *Domesday.*

**Gabriels hozne,** — *Et Rikhil dit que le demandant en cest brief navera Judgment devant ceo que Gabriel ust flay son Corne.* *Plowden*, fol. 358. a. That is, till the Day of Doom; never.

**Gabulus denariozum**, Rent paid in Money. *Selden of Tithes*, pag. 321.

**Gafoldagylu**, (Sax.) The payment or rendering of Tribute or Custom. Also *Ufury*.

**Gafol-land** alias **Gatul-land**, (Sax.) *Terra censualis*, Land liable to Tribute or Tax; rented Land, or Land letten for Rent. Sax. *Dið*.

**Gage**, (Fr.) Lat. *vadium*, Signifies a Pawn or Pledge. *Glanville*, lib. 10. cap. 6. thus, *Quandoque res mobiles ponuntur in vadium, quandoque res immobiles.* — And a little after, — *Invadiatur res quandoque ad terminum, quandoque sine termino. Item quandoque invadiatur res aliqua in mortuo vadio, quandoque non* — Though the word *Gage* be retained, as it is a Substantive, yet as it is a Verb, use hath turned the *G.* into *W.* So as it is oftner written *Wage*; as to *Wage Deliverance*, i. To give security, that a thing shall be delivered: For, if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not only avow the Distress, but *Gager Deliverance*, i. Put in surety, that he will deliver them. *Fitz. Nat. Br.* fol. 74. D. and 67 F. Yet in some Cases he shall not be tied to make this security, as if the Cattle died in Pound. *Kitchin*, fol. 145. or if he claim a Propriety in the Cattle sued for. To *Wage Law*, see *Law*. See *Mortgage*.

**Gager Deliverance.** See *Gage*.

**Gager del Ley.** See *Wage*; and *Wager of Law*.

**Gagers.** See *Gangeons*. This word is mentioned in *Anno 12 Car. 2. cap. 4.*

**Gainage**, (Lat. *Wainagium*, i. *Actum plastris*, vel *plastris apparatus*. Fr. *Gaignage*, i. The Gain or Crop of Tilled or Planted Grounds.) Signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture for carrying on the work of



of Tillage, by the baser sort of Soke-men and Villains; and sometimes the Land it self, or the profit raised by cultivating it. *Bracton, lib. 1. cap. 9.* (speaking of Lords and Servants.) says,

— *Ut si eos destruunt, quod saluum non possit eis esse Wainagium suum.* — And again, *lib. 3. tract. 2. cap. 1.* — *Villanus non amerciabitur, nisi saluo Wainagio suo.* For, anciently, as it

appears both by *Mag. Char. cap. 14.* and other Books. The Villain, when amerced, had his *Wainage* free, to the end, the Plough might not stand still: And the Law, for the same reason, does still allow a like Privilege to the Husbandmen, that his Draught-Horses and Oxen are not, in many Cases, distrainable. This in *Magna Charta, cap. 14.* is called *Wainage*. I find in *old Nat. Br. fol. 117.* — *The Writ was abated, for that the Oxcgang is always of a thing that lies in Gainor, or Gaineur.* This word was only used of Arable Land, because they that had it in occupation, had nothing of it, but the Profit, and Fruit raised of it by their own labour, towards their sustenance, nor any other Title, but at the Lords Will. *Gainor* again in the same Book, *fol. 12.* is used for a *Sokeman*, that hath such Land in his occupation. In the 32 Chapter of the *Grand Custumary*, — *Geigneurs are raticole qui tenent elemosynas possident.* And *Britton* useth *Gainer*, to Plough or Till, *fol. 65. a. and 42. b. West, pag. 2. Symb. tit. Recoveries, fol. 3.* says a *Præcipe quod reddat* lies not for such and such things, — *For they are not in Demesne, but in Gain, &c.* Lastly, in the Statute of Distresses in the *Exchequer, Anno 31 Hen. 3.* I find these words, *No Man of Religion, nor other, shall be distrained by his Beasts that gain the Land.* See *Wainage*.

*Gainerie*, (Fr. *Gaignerie*.) Tillage or Tilling, or the Profit raised of Tillage, or of the Beasts used therein. I have seen an old Lease that demised *Omnes terras, pratos & pasturas in M. vulgo vocat. le Gainerie, &c.*

*Gaiure*, (Fr. *Gaure*.) Tillage. See *Gainerie*.

*Galege*, (Galica.) From the Fr. *Galoches*, which signified of old a certain Shoe, worn by the Gauls in foul weather, as at present the signification with us does not much differ. It is mentioned *Anno 4 Edw. 4. cap. 7.* And *14 & 15 Hen. 8. cap. 9.*

*Gallihalspens*, Was a kind of Coin, which, with *Duskins* and *Doitkins*, was prohibited by the *Stat. 3 Hen. 5. cap. 1.* And were so called, (says one,) because brought over in the *Genoa Gallies*. Though Sir *Fr. Bacon* writes them, *Gauls Half-pence*, and 'tis like more truly.

*Gallivolatium*, A Cockshoot or Cockglade. *Dedi unam Graviam cum Gallivolatio.* Carta antiq. And elsewhere I find *volatium silvestre* in the same signification. *Item est ibidem quatuor volatia silvestria, qua valent per annum 2 s.* Inq. post mortem *Rog. Mortimer 22 Rich. 2.*

*Gambeson*, (*Gambesonum*.) (*Par. 13 Edw. 1. M. 13.*) A long Horseman's Coat used in War, which covered the Legs, *Gamba*. — *Ego Jo-*

*hannes Bec condo Testamentum &c. — Jeo done malme à Dieu & mon Corps à ensevelir al Abby de Kirkstede en le Chapel St. Maurice, oue mon meleur Chival, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Covertures de Ferr, mon Gambeyson, ma Targe, oue tout mon harneys de Guerre, q. à mon Corps appent, &c. Probatum 10 Cal. Marci, Anno 1303.*

*Gang-days*, (*Dies Lustrationis*.) LL. *Athelstani Regis.* See *Rogation-Wiek*.

*Gaol*, From the Fr. *Geole*, i. *Caveola*. A Cage for Birds; and thence Metaphorically used for a Prison: So *Geolier*, whom we call *Gayler* or *Gaoler*.

*Garb*, (*Garba*.) Fr. *Garbe* alias *Gerbe*, i. *fasci*, Signifies a Bundle or Sheaf of Corn. *Charta de Foresta, cap. 7.* And *Garba sagittarum*, is a Sheaf of Arrows. *Skene, verbo, Garba.* *De omni annona decima garba Deo debita est.* LL. *Edovardi Conf. cap. 8.* It is sometimes used for all manner of Corn and Grain that is usually bound in Sheaves, as *Decime Garbarum*.

*Garbles*, (*Anno 21 Jac. cap. 19.*) Signifie the Dust, Soil, or Uncleaness, that is severed from good Spice, Drugs, &c.

*Garbling* or *Bol-witaves*, *Anno 1 Rich. 3. cap. 11.* Is the sorting or culling out the good from the bad; As *garbling* of Spice, Drugs, &c. (*1 Jac. cap. 19.*) is nothing but to purifie it from the Dross and Dust that is mixed with it; and to sever the good from the bad: It may come from the Italian *Garbo*, that is, Finery or Nearness. See *4 Inst. fol. 264.*

*Garbler of Spices*, (*Anno 21 Jac. cap. 9.*) Is an Officer of Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. And to *garble*, and make clean the same.

*Garcio*, (Fr. *Garcon*.) A Boy, a Stripling, a Groom. *Pla. Cor. 21 Edw. 1. Garcio Stola*, Groom of the Stool to the King, as I find it in a Record, where *Stola* does not signifie a Close-Stool, as vulgarly furnished; but a Robe of Honour.

*Gard*, (Fr. *Garde*, Lat. *Custodia*.) Signifies a custody or care of defence; but hath divers Applications; sometimes to those that attend upon the safety of the Prince, called the *Life-guard*, and *Yeoman of the Guard*; sometimes to such as have the Education and Guardianship of Infants or Idiots; sometimes to a Writ touching Wardship; of which there were three sorts, one called *Droit de Gard*, the second *Ejectment de Gard*, the third *Ravishment de Gard*. *Fitz. Nat. Br. fol. 139, 140.* See *Ward* and *Guardian*.

*Gardebrache*, (Fr. *Gardebrache*.) A Vambrace or Armor for the Arm. *King Hen. 5. by Charter dated 10 Junii, 7 Regni*, granted to Sir *William Bouchier* Comitatum de Ewe in Normandy — *Reddendo dicto Regi & heredibus suis apud Castrum Rothomagi unum Gardebrache ad Festum Sancti Georgii singulis Annis, &c.* *Baronag. Angliæ, 2 Part.*

*Garderobe*. See *Wardrobe*, and *2 Inst. fol. 255.*

**Guardian or Guardian**, (Fr. *Gardein*, Sax. *Sapdun*, Lat. *Custos*.) Signifies generally him that hath the charge or custody of any person or thing; but most notoriously him that hath the education or protection of such people as are not of sufficient discretion to guide themselves, and their own affairs, as Children and Idiots, being indeed as largely extended, as both *Tutor* and *Curator* among the *Civilians*. For whereas *Tutor*, is he that hath the Government of a Youth, until he come to fourteen years of age; and *Curator*, he that hath the disposition, and ordering of his Substance afterward, until he attain to twenty five years, or that hath the charge of a Frantick Person, during his Lunacy; we use for both these a *Guardian* only, of which, we have three sorts in *England*; one ordained by the Father in his last Will; another appointed by the Judge afterward; the third cast upon the Minor by the Law and Custom of the Land.

But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 Car. 2. cap. 24. which ordains, that, "Where any Person hath, or shall have any Child or Children under the age of twenty one years, and not married at the time of his death, it shall be lawful for the Father of such Child or Children, whether born at the time of the decease of the Father, or at that time *in Ventre sa Mere*, or whether such Father be within the age of Twenty one years, or of full age, by Deed executed in his life-time, or by his last Will and Testament in writing, in the presence of two or more credible Witnesses, to dispose of the Custody and Tuition of such Child or Children, for, and during the time, he, or they, shall remain under age, or any lesser time, to any Person, or Persons in Possession or Remainder, other than Popish Recusants; and such disposition shall be good against all Persons claiming such Child as *Guardian in Socage*, or otherwise, &c. And in case the Father appoint no Guardian to his Child, the Ordinary may appoint one to order his Moveables and Chattels, until the age of fourteen years, and then he may chuse his *Guardian*: And for his Lands, the next of Kin, on that side by which the Land descends not, shall be *Guardian*, as heretofore, in case of a Tenure in *Socage*.

**Guardian, or Guardian of the Spiritualties**, (*Custos Spiritualium vel spiritualitatis*.) Is he, to whom the Spiritual Jurisdiction of any Diocese is committed, during the vacancy of the See, Anno 25 Hen. 8. cap. 21. And, I take it, the *Guardian of the Spiritualties* may be either *Guardian in Law*, or *Jure Magistratus*, as the Archbishop is of any Diocese within his Province; or *Guardian by Delegation*, as he whom the Archbishop, or Vicar-General, does for the time depute, Anno 13 Eliz. cap. 12.

**Guardian of the Peace**, (*Custos pacis*.) See *Conservator of the Peace*.

**Guardian of the Cinque-ports**, (*Gardianus*

*quinque portuum*.) Is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the *Cinque-Ports*; that is, the five Havens: Who there has all that Jurisdiction, the Admiral of *England* has in places not exempt. Camden, in his *Britan.* pag. 238. says, The Romans, after they had settled themselves and their Empire here in *England*, appointed a Magistrate or Governour over those *East-Ports*, where our *Cinque-ports* lie, whom they termed *Comitem litteris Saxonici per Britanniam*, having another, that bore the same title on the opposite part of the Sea; whose Office was, to strengthen the Sea-coast with Munition against the Out-rages and Robberies of the Barbarians; and believes, this *Warden* of the *Cinque-ports* was first erected among us, in imitation of that Roman Policy. See *Cinque-ports*.

**Gardein de L'estemery**, (Anno 17 Car. 1. cap. 15.) Warden of the Stanneries.

**Gare**, (Anno 31 Edw. 3. cap. 8.) Is a course Wool, full of staring hairs, such as grows about the Pefil, or Shanks, of the Sheep.

**Gariofil**, rectius *Gariophylli*, The Spice called *Cloves*. — *Et salvo hereditibus meis post decessum meum uno clavo Gariofil. in predicto Feodo Sancti Mich. pro omni servicio seculari*, &c. Carta Hugonis de Wygeton Priorat. Leominstr. Anno 1283.

**Garnish**, as, to garnish the Heir. i. To warn the heir, Ann 27 Eliz. cap. 3.

**Garnish**, &c. Is taken for the party in whose Hands Money is attached within the Liberties of the Cities of *London*; so used in the Sheriff of *London's* Court; because he has had *garnishment*, or warning not to pay the Money, but to appear and answer to the Plaintiff-Creditors Sure.

**Garnishment**, (Fr. *Garnement*.) Signifies a warning given to one for his appearance; and that for the better furnishing the Cause and Court. For example, one is sued for the detinue of certain Charters, and says, They were deliver'd to him, not only by the Plaintiff, but by *J. S.* also, and therefore prays, that *J. S.* may be warned to plead with the Plaintiff, whether the conditions are performed or no; in this petition he is said to pray *Garnishment*. *New Book of Entries*, fol. 211. col. 3. which may be interpreted a warning to *J. S.* to provide himself of a defence, or else a furnishing the Court with all parties to the action, whereby it may thoroughly determine the Cause. *Britton*, (cap. 23.) says, Contracts are some naked and *sans garnement*, and some furnished, or (to use the literal signification of his word) apparelled, &c. Howbeit *Garnishment* is generally used for a warning; As in *Kitchin*, fol. 6. *Garnisher le Court*, is, to warn the Court; and, *reasonable garnishment* in the same place, is reasonable warning. And in the Stat. 27 Eliz. cap. 3. — Upon a *Garnishment* or two *Nichils* returned, &c.

**Garnisture**, (*Garnistura*.) A furnishing or providing; *Garnistura Castris de Mounsgomer*. — *Et in vadiis 24 hominum ibidem existent. pro salva custodia*



*custodia dicti Castri tempore Insurrectionis & Rebellionis Wallicorum cum Oweno Glyndourdw, fingentem se esse Principem Wallie, ex parte diaboli, & cum diversis Wallicis sibi adherentibus pro tempore, per ordinac. Hugonis Domini Burnel, Johannis Burley & Thomae Jonge, Justiciar. Pacis Comitatus Salopie, &c. Computus Joh. Seys Receptor. Denar. Domini Hen. Percy & Sociorum, &c. Anno 1 Hen. 4. Penes Edw. Harley Mil. Balnei. The word also occurs in Pat. 17 Edw. 3. Pays 1. Dors. 27.*

**Garrauny** See *Warranty*.

**Garter**, (Fr. *Gartier*, i. *Periscelis, fascia poplitaria*.) Signifies, both in divers Statutes and otherwise, one special *Garter*, being the Ensign of a great and noble Society of Knights, called Knights of the *Garter*. This high Order, (as appears by *Camb. pag. 211.*) was instituted by that famous King *Edward the Third*, in the 23 year of his Reign, upon good success in a Skirmish, wherein the Kings *Garter* was used as a token.

Sir *John Fern*, in his *Glory of Generosity*, fol. 123. agrees with *Camden*, and sets down the Victories, whence this Order was occasion'd; whatsoever cause of beginning it had, the Order is inferior to none in the World, in Honour or Antiquity, consisting of 26 Martial and Heroical Nobles, whereof the *King of England* is the Chief, and the rest are either Nobles of the Realm, or Princes of other Countries, Friends and Confederates with this Nation; the Honour being such, as Emperours, and Kings of other Nations have desired, and thankfully accepted, it being long before the Order of *St. Michael* in France, the *Golden Fleece* in Burgundy, or the *Annunciada* in Savoy. The Ceremonies of the Chapter, proceeding to Election, the Investitures and Robes, the Installation, Vow, with such Observations, see in Mr. *Ashmole's* Elaborate Work of the Institution, Laws and Ceremonies of this Noble Order. And see *Knights of the Garter*.

*Garter* also signifies the Principal King at Arms among our *English* Heralds, attending upon the Knights thereof, created by King *Henry the Fifth*, and mentioned in the Statute 14 Car. 2. cap. 33. See *Herald*.

**Garth**, In the North of *England* signifies a Yard or Back-side, or a little Close or Homestead. It seems to be an ancient British word; For, *Gardd* in that Language signifies a Garden, the *dd* being liquefy'd in the pronunciation like *th*.

**Garthman**, Anno 17 Rich. 2. cap. 9. It is ordained, that no Fisher, nor Garthman, shall use any Nets or Engines to destroy the Fry of Fish, &c. Whereby it seems to signify one that keeps or owns an open Wear, where Fish are caught. It may haply be derived from the Scottish word *Gart*, which signifies forced or compelled, because the Fish are forced by the Wear to pass in at a Loop, where they are caught.

**Gavel**, (Sax. *Safel*.) Tribute, Toll, Custom;

Yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; As *Gavel-Corn*, *Gavel-malt*, *Oat-gavel*, *Gavel-fodder*; As you may read in Mr. *Fabian Philips* Book, Entituled, *Mistaken Recompence*, pag. 39 & 40.

**Gaveler**, Is a special and ancient kind of *Cessavit* used in *Kent*, where the Custom of *Gavelkind* continues; whereby the Tenant shall forfeit his Lands and Tenements to the Lord; if he withdraw from him his due Rents and Services; after this manner. — The Lord must seek, by the award of his Court, from three weeks to three weeks, to find some distress upon the Tenement, until the fourth Court, always with Witnesses; and, if in that time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his Hand, in name of a Distress, and keep it a Year and a Day without Manuring; within which time, if the Tenant pay his Arrears, and make reasonable amends for the withholding, let him have and enjoy his Tenement, as before; and, if he come not before the Year and Day be past, let the Lord go to the next County-Court with his Witness of what past at his own Court, and pronounce there this Process to have further Witnesses; and then, by the award of his own Court, he shall enter and Manure the Tenement, as his own: And, if the Tenant will afterwards re-have it, and hold it as he did before, let him make agreement with the Lord, according to this old saying,

*Neghesith selde & neghesith geld, & v l. for his Were, er he become healdre. i.*

Has he not since any thing given, nor any thing paid.

Then let him pay 5 l. for his *Were*, ere he become healdre again.

Other Copies have the first part thus written, and expounded,

*Nigonstith yeld & nigonsith geld.*

Let him 9 times pay, and 9 times re-pay.

Of this see 10 Hen. 3. *Fitz. tit. Cessavit* 60, and the Stat. of *Gaveler*, 10 Edw. 2. which gives this Law to Lords of Rents in *London*. And see *Westm. 2. cap. 21.* which gives *Cessavit*.

**Gavelgeld**, That pays Tribute or Toll. — *In qua terra sunt quinque Testa, & solvunt Gavelgeld Ballivis Eborum.* Mon. Angl. Vol. 3.

**Gavelkind**, (from the Sax. *Safel*. i. *Censur, tributum*, and *cynd*, *Natura*, *Genus*.) But Doctor *Powel* in his *Addiments* to the *Cambrian History*, and from him *Taylor* in his *History of Gavelkind*, fol. 26. would have it derived from the British word *Gavel*, importing a Hold, or Tenure; however, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally

equally divided at his death among all his Sons; or, the Land of the Brother among all the Brethren, if he have no Issue of his own.

*Teutonicis priscis patrios succedit in agros  
Mascula stirps omnis, ne foret ulla potens.*

This Custom is still of force in *Kent*, *Urbensfeild* in *Herefordshire*, and elsewhere, though with some difference. But, by the Stat. 34 & 35 Hen. 8. cap. 26. All Gavelkind Lands in *Wales* are made descendable to the Heir, according to the course of the Common-Law. *Camden*, in his *Brit.* says thus, — *Cantiani ea lege Guelmo Normanno se dediderunt, ut patrias consuetudines illesas retinerent, illamque inprimis quam Gavelkind nominant. Hæ terre, quæ eo nomine censentur, liberis masculis ex æquis portionibus dividuntur, vel faminis, si masculi non fuerint.* Adding further, *Hanc hereditatem, cum quintum decimum annum attigerint, adeunt, & sine Domini consensu cuilibet, vel dando, vel vendendo alienare licet. Et filii parentibus, furti damnatis, in id genus fundi succedunt, &c. Tenentes in Gavelkind debent feodalitatem facere; esse in nutritura propinquioris consanguinei, cui hereditas post seipsum non pertinet, usque ad xv annos; recognitionem facere Domino, pro terra sua; dotari de medio; omnes participant. Ex Libro irrotulamentor. Eccl. Christi Cantuar. fol. 211.* It appears by 18 Hen. 6. cap. 1. That in those days there were not above 30 or 40 Persons in all *Kent*, that held by any other Tenure: Which was afterwards altered, upon the petition of divers *Kentish* Gentlemen, in much of the Land of that County, by Stat. 31 Hen. 8. cap. 3. See *Lambert's Perambulation of Kent*, and *Sommer's* learned Discourse on this Subject. — *Dedi totam terram, quam vendidit mihi Michael de Turnham, sicut suum liberum Gavelkind & Stockis Rinde, ad fundandum ibi Domum Religionis, &c. Mon. Angl. 2 Par. fol. 640. a.*

**Gavelsester**, (Sax.) *Sextarius vestigalis*; *Cervisia* scilicet *sextarius Manerii vel prædii-Domino ab usufructuariis cervisiam coquentibus, census vel vestigialis nomine, pendendus.* A certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterbury's* Mannors in *Kent*, (according to which they were to be accountable,) this of old was one; *De Gavelsester* cujuslibet *bracini* *braciati infra libertatem Maneriorum, viz. unam lagenam & dimidiam Cervisie.* It elsewhere occurs under the name of *Tol-sester*, thus; *De Tol-sester Cervisie, hoc est, de quolibet bracino per unum annum lagenam de Cervisia.* And, is undoubtedly the same; in lieu whereof, the Abbat of *Abington* was wont of Custom to receive that Penny mentioned by *Selden* in his learned Dissertation annexed to *Fleta*, cap. 8. num. 3. and there, (by some mistake, haply of the Printer,) written *Colecester-Peny*, for *Tol-sester-Peny*. Nor differs it, (I think,) from what in the Glossary, at the end of *Hen. 1. Laws*, is called *Oale-gavel*. Sax. *Dist.* and see *Tolsester*.

**Gabel-week**, (Sax.) Was either *Manuopera*, by the Person of the Tenant, or *Carropera*, by his Carts or Carriages. *Mr. Phil. of Purveyance.*

**Gaugetum**. — *Mandetur per breve de Canc. quod omnia ligna de doleis vinorum fiant de cetero de recto Gaugeto Anglicano. Rot. Parl. 35. Edw. 1. of the true English Gage.*

**Gawgeon**, or **Gager**, (*Gangeator*, from the Fr. *Gauchir*. i. *In gyrum torquere.*) Signifies an Officer of the Kings, appointed to examine all Tuns, Pipes, Hogheads, Barrels, and Tercians of Wine, Oyl, Honey, Butter, and to give them a Mark of Allowance, before they are sold in any place: And, because this Mark is a Circle made with an Iron Instrument for that purpose, it seems thence to take name. Of this Officer and Office we have many Statutes, the first is, *Anno 27 Edw. 3.* commonly called the Statute of Provision, or *Purveyors*, cap. 8. 23 Hen. 6. cap. 16. &c. and the last is 12 Car. 2. cap. 4.

**Gawge-peny**, Seems to be the *Gangeors* Fee, by *Anno 23 Hen. 6. cap. 16.*

**Gaymaria**. — *Ita quod nihil ex nunc remanet in manu ejus, nisi tantum Gaymaria Manerii prædicti. Mon. Angl. Vol. 1. fol. 603. b. Quere.*

**Geld**, (*Geldum*,) *Multa, compensatio delicti & precium rei.* Hence in our ancient Laws *Wergild* was used for the value or price of a Man slain; and *Dyngild*, of a Beast. Also Money, or Tribute. — *Et sint quicquid de Geldis & Danegeldis & Horngeldis & Forgeldis, & de Blodwita & Fitwita, & Flitwita, & Leirwita, & Heingwita, & Fremenefeuda, & Werdpeni, & Averpeni, & Hundredpeni, & Tolingpeni.* — *Carta Ric. 2. Priorat. de Hertland in Devon. Pat. 5 Edw. 4. Par. 3. M. 13. See Gild.*

**Geldaule**. See *Gildable*.

**Gemote**, (Sax. *Conventus*,) *Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto, nisi probatus fur fuerit. LL. Ed. Conf. cap. 35. See Mote.*

**General Issue**. See *Issue*.

**Geneath**, (Sax. *Rectius, Gencaut*,) *Villanus, villicus, firmarius. L. Ine. MS. cap. 19. Regis Geneath. i. Villanus Regius.*

**Generosa**, Is a good addition; And, if a Gentlewoman be named *Spinster* in any Original Writ, Appeal or Indictment, she may abate and quash the same. 2 *Inst. fol. 663.*

**Genesta**, Broom. See *Faun*.

**Gentleman**, (*Generosus, nobilis*,) From the Fr. *Gentil*. i. *Honestus vel honesto loco natus*, and the Saxon *Mon*, as if you would say, a Man well-born; or a *Gente*, or *Genere*; the Italian calls them *Gentilhuomini*; under this Title are comprised all that are above *Women*; so that Noblemen are truly Gentlemen: But, by the course and custom of England, Nobility is either Major or Minor; the greater contains all Titles and Degrees from *Baronets* upward, the lesser all from *Barons* downward. *Smith de Repub. Ang. lib. 1. cap. 20. & 21.* The reason of the name, grows from this, that they observe *Gentilitatem suam*, that is, the race and propagation of



of their Blood, by bearing Arms, which the common sort neither doth, nor may do. Tully in his *Topicks* speaks thus of this subject, *Gentiles sunt, qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo servitutem servivit, qui capite non sunt diminuti.* Gentilis homo for a Gentleman, was adjudged a good addition. *Hill. 27 Edw. 3.* The addition of *Knight* is ancient, but of *Esquire* or *Gentleman*, rare, before 1 *Hen. 5. cap. 5.* See 2 *Part. Inst. fol. 595. & 667.* where we read *John Kingston* made a Gentleman by *K. Ric. 2. Pat. 13 Ric. 2. Par. 1. M. 37. intus.*

**Gersuma**, (Sax. *Jæsumma*, i. *Sumptus, premium*.) In ancient Charters it is used for a Fine or Income. As, *Sciatis me A. pro tot libris, quas B. mihi dedit in Gersumam, dedisse, concessisse, &c.* And, — *Gersumam capere de Nativa vestra impregnata sine licentia vestra, quod dicitur Childwitt.* In *Matth. Paris* it is written *Gersoma*. *Datus Abbati tribus marcis auri in Gersoma, i. e. Pro Fine*, and in *Scotland, Gressume*. *Gestu & fama*, Is a Writ now out of use, *Lamb. Eiren. lib. 4. cap. 14. pag. 532.*

**Gethbrech**, (*Rectius Grithbreche*.) *Si pacem quis frugerit ante mediocres Forestas, quod dicunt Gethbrech, emendet Regi decem solidis.* *Constitut. Canuti de Foresta cap. 18.* See *Grithbreche*.

**Gista aquæ**. — *Molendinum & vivarium cum gista aquæ.* *Mon. Angl. 3 Par.* The Stream of Water, *ut videtur.*

**Gigmills** were used for the perching and burling of Woollen-Cloth, and prohibited *Anno 5 & 6 Edw. 6. cap. 22.* They were a kind of *Fulling-Mills*.

**Gild**, (*Anno 18 Car. 2. cap. 1.*) Signifies chiefly a Fraternity or Company, combined together with Orders and Laws made among themselves by the Princes licence, and they had their Annual Feasts and Neighborly Meetings: But as to the direct time, when these *Gilds* had their origin in *England*, there is nothing of certainty to be found, since they were in use long before any formal Licences were granted to them, for such Meetings. *Edward the Third*, in the Fourteenth of his Reign, granted Licence to the Men of *Coventry* to erect a *Merchants Gild*, and a Fraternity of Brethren and Sisters, with a Master or Warden; and that they might make Chantries, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, &c. So *Henry the Fourth*, in the Fourth year of his Reign, granted Licence to Found a *Gild* of the Holy Cross at *Stratford upon Avon*. See *Antiquities of Warwickshire, fol. 119. & 522.* *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 *Edw. 3. Stat. 2. cap. 13.* and 11 *Hen. 7. cap. 9.* use *Gildable* in the same sense with *Taxable*. Whence *Gild* in the first signification does proceed, because they support their common charge by a mutual Contribution. *Gild* (according to *Crompton* in his *Jurisdictions, fol. 191.*) signifies an Amercement, as *Foot-geld*; and

*fol. 197.* he interprets it to be a prestation within the Forest, in these words, *To be quit of all manner of Gilds, is to be discharged of all manner of Prestations, to be made for gathering Sheaves of Corn, Lamb and Wool, to the use of Foresters.* The word is also mentioned in the Stat. 15 *Hen. 6. cap. 6.* and 15 *Car. 2. cap. 7.*

**Gild** or **Gild-rents**, Are Rents payable to the Crown by any *Gild* or Fraternity, or such Rents as formerly belonged to Religious *Gilds*, and came to the Crown at the general Dissolution, ordered for sale by the Stat. 22 *Car. 2. cap. 6.*

**Gildale**, (from the Sax. *Gild*, i. *solutio & ale, a/e*.) A comotation, where every one paid his share. See *Sothale*.

**Gildable** or **Geldable**, (*Geldabilis*.) Tributary, that is, liable to pay Tax or Tribute. *Camden*, dividing *Suffolk* into three parts, calls the first *Gildable*, because liable to pay Tax, from which the other two parts were exempt, because *Ecclesie Donatae*. It is mentioned *Anno 27 Hen. 8. cap. 26.* But I find *Gildable* expounded in an old MS. to be that Land or Lordship, which is *Sub districtione Curie Vice-com.* See 2 *Part. Inst. fol. 701.* *Inquisitio capta apud Artherston, &c. 5 Hen. 5. per Sacram. Will. Peirs & al. qui dicunt quod Johannes Chestershire, qui tenet unum tenementum & duo crestra cum pertin. in le Geldable de Johanne Lile per quod servitium ignorant, erexit crucem S. Johannis Hierosol. super Domum suam, ad habendum privilegium & libertat. Templar. de Balskale, eo quod teneret predict. tenementum sub Cruce in prejudicium Dom. Regis & contra formam Statuti inde editi, &c. MS. penes Gul. Dugdale Ar. Jur. dicunt quod Prior de Sempringham tenet tres Carucatas terræ in S. & non sunt Geldabiles.* *Ex Rot. Hundr. in Turr. Lond. de Anno 3 Edw. 1. Linc.*

**Gildæ adulterinæ**. *Rot. Pipæ 3 Johannis.* Perhaps used for adulterate Money, *qu.*

**Gild-hall**, (*i. Gilda aula*.) The chief Hall of the City of London so called. *Gildarum nomine continentur non solum minores fraternitates & sodalitia, sed ipsæ etiam Civitatum Communitates*, says the Learned *Spelman*. See *Gild*.

**Gildhalda Teutonicorum**, Was used for the Fraternity of Easterling Merchants in London, called the *Stihard*. *Anno 22 Hen. 8. cap. 8.*

**Gild-merchant**, (*Gilda Mercatoria*.) Was a certain Priviledge or Liberty, granted to Merchants, whereby they were enabled (among other things) to hold certain Pleas of Land within their own Precincts. As *K. John* granted *Gildam Mercatoriam* to the Burgesses of *Nottingham*.

**Giltwite**. See *Gyltwite*.

**Gisarms** rectius **Guisarmes**, (*An. 13 Edw. 1. Stat. 3. cap. 6.*) A kind of Hand-Ax or Halbert, according to *Skene*. *Fleta* mis-writes it *Sisarms*, *lib. 1. cap. 14.* *Est armorum genus longo manubrio & porrecta cuspide.* *Spel.*

**Glaire**, (Fr.) A Sword; also a Lance or Horse-mans Staff. — *Gleyre*, long Sword, short Sword and Dagger, were the Weapons allowed the

the Parties in a Trial by Combate. See *Orig. Jurisdic.* fol. 79. b.

**Gleab-land**, (*Gleba*.) Church-land; *Dos vel terra ad Ecclesiam pertinens*. Charta Elredi Regis Monast. de Croiland, apud Ingulphum: *In primis totam Insulam Croilandie pro Gleba Ecclesie, & pro situ sepeciali ejusdem Monasterii—Dono*. Lindwood says, *Gleba est terra in qua consistit Dos Ecclesie; generaliter tamen sumitur pro solo, vel pro terra culta*. Mentioned in the Statute of 14 Car. 2. cap. 25. We most commonly take it for Land belonging to a Parish-Church, besides the Tythe. Skene says, *The four Acres of Land, quhilk is given to the Ministers of the Evangel in Scotland, is called ane Gleeb, the quhilk suld be free fra payment of any teinds*.

**Go**, Is sometimes used in a special signification, as to go without day; and to go to God, is as much as to be dismissed the Court. *Broke, tit. Failer de Records*, num. 1. and *Kitchin*, fol. 193.

**Goaling of Wagabonds**, i. Sending them to the Gaol. Anno 35 Eliz. cap. 7.

**God-bote**, (*Sax.*) *Multa ex delictis in Deum admissis obveniens*. A Fine or Amerciament for crimes and offences against God; an Ecclesiastical or Church Fine.

**Good behavior**. See *Good abearing*.

**Goldwith vel Goldwich**. In the Records of the Tower, there is mention of *Consuetudo Vocata Goldwith vel Goldwich*; but no Explication of it. *Ideo quare*.

**Goliardi**, (from the Fr. *Goulard*, a Glutton or greedy Feeder.) — *Ecclesie Catholice ordinis dignitati non modicum detrahentes, se joculariter seu goliardos faciunt aut buffones, &c.* MS. Decretal. Bonifacii VIII. Universitati Oxon. cap. De Vita & honestate Clericorum.

**Good abearing**, (*Bonus gestus*.) Is by a special signification, an exact carriage or behavior of a Subject towards the King, and his Liege People, whereunto some Men, upon their misbehavior or loose demeanor, are sometimes bound: For as *Lambert*, in his *Eiren. lib. 2. cap. 2.* says, He that is bound to this, is more strictly bound, than to the Peace; because, where the Peace is not broken without an asray, battery, or such like, this surety *De bono gestu*, may be forfeited by the number of a Mans company, or by his or their Weapons or Arms, whereof see more in that Learned Writer, and in *Crompt. Just. of Peace*, fol. 120. & 127.

**Good Country**. See *Bona Patria*.

**Goole**, (*Fr. Goulet*.) (Anno 16 & 17 Car. 2. cap. 11.) A breach in a Bank or Sea-wall; or a passage worn by the Flux and Reflux of the Sea.

**Gorge, Gourt, and Gooz**, (from the Fr. *Gort*, i. a Wear.) *Locus in fluvio coarctatus, piscium capiendorum gratia; a Wear*. It is accorded, That all such Gorges, Mills, Weirs, Dranks, Drakes, and Riddles, which be leaved and set up in the time of King Edward, the Kings Grand-father, and after, where

by the Kings Ships and Boats be disturbed, that they cannot pass in such River, as they were wont, shall be out and utterly pulled down, without being renewed. Anno 25 Edw. 3. cap. 4. Sir Edward Coke (on *Littl. fol. 5. b.*) seems to derive it from *Gorges*, a deep Pit of Water, and calls it a *Gors* or Gulf. But *quere*, if not a mistake. For he says in *Domesday* it is called *Gourt* and *Gort*, the very French word for a Wear. And I find in the *Black Book* of Hereford, fol. 20. — *Quod tres Gurgites in aqua de Mnew attachiantur per homines de Grosse mente*. Where *Gurgites* is used (though improperly) as a Latin word for *Gorges* or *Weirs*.

**Gote**, (Anno 23 Hen. 8. cap. 5.) A Ditch, Sluce, or Gutter; perhaps from the Sax. *Geotan*, *Fundere*.

**Governors of the Chest at Chatham**, are certain Officers appointed to take care of, and relieve, the poor and maimed Seamen belonging to the Kings Navy. 22 & 23 Car. 2. Act to prevent Disturbances of Seamen, &c.

**Graduats**, (*Graduati*.) Are such Scholars as have taken Degrees in any University. Anno 1 Hen. 6. cap. 3.

**Graffer**, (*Fr. Greffier*, i. *Scriba*.) Signifies a Notary or Scrivener; and is used in the Stat. 5 Hen. 8. cap. 1.

**Graille**, (*Grada'e, seu Graduale*.) A Gradual or Book containing some of the Offices of the Roman Church. *Gradale (inquit Lindwoodus) sic dictum à gradalibus in tali libro contentis*. Provincial. Angl. lib. 3. The word is mentioned in *Plowden*, fol. 521. And 37 Hen. 6. fol. 30. It is sometimes taken for a Mass-Book, or part of it, instituted by Pope Celestine, Anno 430. according to *Cotgrave*.

**Grand Assise**. See *Assise*, and *Magna Assisa*.

**Grand Cape**. See *Cape* and *Attachment*.

**Grand Days**, Are one in every Term, solemnly kept in the Inns of Court and Chancery, viz. *Candlemas-day* in *Hillary Term*; *Ascension-day* in *Easter Term*; *S. John Baptists-day* in *Trinity Term*; and *All-Saints* in *Michaelmas Term*; and these are *Dies non juridici*, no days in Court.

**Grand Distress**, (*Districcio Magna*.) Is so called, not for the quantity, for it is very short, but for the quality, for the extent is very great; for thereby the Sheriff is commanded, *Quod distringat tenentem, ita quod ipse, nec aliquis per ipsum ad ea manum apponat, donec habuerit aliud præceptum, & quod de exitibus eorundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, Either when the Tenant or Defendant is attached, and so returned, and appears not, but makes default; or when the Tenant or Defendant hath once appeared, and after makes default, then this Writ lies by the Common Law, in lieu of a *Petit Cape*. 2 Part. Inst. fol. 254. Anno 52 Hen. 3. cap. 9. West. 1. cap. 44.

**Grand Sergeanty**. See *Chivalry* and *Sergeanty*.

**Graunge**, (*Grangia*.) Is a House or Farm; not only



only where are necessary places for all manner of Husbandry; as Stables for Horses, Stalls for Cattle, &c. But where are Barns and Granaries for Corn, Haylofts, &c. And by the Grant of a *Grange*, such places will pass. *Provinc. Angl. tit. de Judiciis, ca. Item omnis.*

**Grant,** (*Concessio*.) Signifies a Gift in Writing of such a thing, as cannot aptly be passed or conveyed by word only: As Rent, Reversions, Services, Advowsons in Gross, Tythes, &c. or made by such persons as cannot give, but by Deed, as the King, and all Bodies Politick; which differences are often in speech neglected, and then it is taken generally for every gift whatsoever, made of any thing by any person; and he that grants it, is called the *Grantor*, and he to whom it is made, the *Grantee*. *West, part 1. Symbol. lib. 2. Sect. 334.* And a thing is said to *Lie in Grant*, which cannot be assigned without Deed. *Coke, lib. 3. Lincoln-College Case.*

**Grantz,** for *Grandeas* or Great Men, in the Parl. Roll of 6 Ed. 3. n. 5. 6. *Et les diez Countz, Barons & autre Grantz* — Which word is mistranslated by some Authors, to signifie Commons.

**Grava,** — *Dedi eis unam Gravam, quæ dicitur Birzcombe, & licentiam circumclaudendi, &c. Mon. Angl. 2 Par. fol. 262. a.* — *Unam Carucatam terræ cum gravis & pasturis eidem pertinent.* Ibidem fol. 198. a. Sir Edw. Coke, 1 Inst. fol. 4. b. says, it signifies a little Wood, and Camden agrees in it; but elsewhere I find it to signifie a thick Wood of high Trees, a Grove. *Dugd. War. Shire, fol. 503. b.* And *Greve* in old English signifi'd a Bush.

**Great Men,** Are most commonly understood to be the Temporal Lords of the Higher House of Parliament: As Anno 43 Edw. 3. cap. 2. and 8 Rich. 2. in *Proam.* And sometimes of the Members of the House of Commons, as Anno 2 Rich. 2. Stat. 2. See *Grantz*.

**Greathbreach** or **Greachbreach,** Is mistaken by Saxton in his Description of England, cap. 11. And by Rastal, for *Griib-breche*, which *Vide.*

**Gree,** (*Fr. Gre, i. Will, allowance, or liking*.) Signifies agreement, contentment, or goodliking: As *to make gree to the parties*, is to satisfy them for an offence done. Anno 1 Rich. 2. cap. 15. And in 25 Edw. 3. cap. 19. It is said, *That Judgment shall be put in suspence, till Gree be made to the King of his Debt*; where it signifies satisfaction. See *Agreement*.

**Green-cloth,** See *Counting-house*.

**Greenhew,** (from *Green*, and the Sax. *He-pen, i. viridis*.) Is all one with *Vert*. *Manwood, Part 2. cap. 6. num. 5. See Vert.*

**Green Silver.** (*Viride Argentum*.) It is an ancient Custom within the Mannor of *Writtel* in *Com. Essex*, that whatever Tenant hath his fore-door opening to *Greenbury*, pays a half-penny yearly to the Lord of the Mannor, by the name of *Green-Silver*.

**Green War,** seems to be used for *Estreats* delivered to the Sheriffs, out of the *Exchequer*, under the Seal of that Court, (made in *Green*

*Wax*.) to be levied in the Counties. Anno 42 Edw. 3. cap. 9. and 7 Hen. 4. cap. 3. See *Foreign Apposer*.

**Gretume.** See *Gersuma*.

**Greve,** (*Sax. Gessefa*.) Is a word of Power and Authority, signifying as much as *Comes* or *Vice-comes*; and hence our *Shyreeve*, *Portgreve*, &c. See *Hoveden, Parte poster. annal. fol. 346.* where he says, *Greve dicitur, ideo quod jure debeat Greth, i. Pacem ex illis facere, qui Patriæ inferunt va, i. miseriam vel malum.* From whence, but with less power and dignity, is derived the word *Reve*, Bailiff, or under Officer of the Lord of a Mannor. See *Shyree* and *Portgreve*.

**Gills,** (*Anno 22 Edw. 4. cap. 4.*) A kind of small Fish.

**Grithbreche,** (*Sax. Gri-h-bryce, i. Pacis fractio seu violatio*.) Breach of the Peace. In *causis Regiis Grithbreche* 100 Sol. — *Eminentabit. LL. Hen. 1. cap. 36. & Carta Will. Conq. Eccles. Sancti Pauli, in Hist. ejusdem, fol. 190.* **Grithbreche,** *i. Quod Prior tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris.* Ex Reg. Priorat. de Cokesford.

**Grithstole,** (*Sax. Sedes Pacis*.) A Sanctuary. See *Frodmorel*.

**Gricers,** by the Stat. 37 Edw. 3. cap. 5. were those that engrossed Merchandise. Now it is a particular Trade, well known.

**Grosse boys,** (*Fr. Gros bois, i. Great Wood*.) signifies specially such Wood as hath been, or is, either by the Common Law, or Custom of the Country, Timber. 2 Part, *Instit. fol. 642.*

**Grossome,** signifies a Fine, and is a corruption from, or a Law-French word for, the Saxon *Geriuma*. For thus *Plowden, fol. 271. Et le dit I. K. grt per m le Indenture a payer en le fine de le dit terme de 10 ans al dit W. N. dize Mille de Tiles, ou le value de eux en argent, en nesme de Grossome.* And in fol. 285. it is written *Grefsame*. — *Abique aliquo le Gressame, vel fine pro premissis solvend.* See *Gersuma*.

**Groundtal.** See *Pelf*.

**Grown,** (*Anno 43 Edw. 3. cap. 10.*) seems to be an Engin to stretch Woollen-cloth, soon after it is woven.

**Growth-halfpeny,** A half-peny so called, and paid in some places for Tythe of every fat Beast, Ox, and other unfruitful Cattle. *Claytons Rep. pag. 92.*

**Gruarii,** (of whom you shall read in *Forest Records*.) derived from the *Fr. Gruyer*, signifies generally the principal Officers of the Forest.

**Guannagium.** See *Wannage*.

**Quest-takers** or **Gilt-takers.** See *Agitors*.

**Guadage** or **Guidage,** (*Guadagium & Guidagium*.) *Est quod datur alicui, ut tuto conducatur per terram alterius:* That which is given for safe-conduct through unknown ways, or a strange Territory. Sir Edw. Coke calls this an old legal word, 2 Inst. fol. 526.

**Gule of August** (*Gula Augusti*,) *Westm.* 2. cap. 30. 27 *Edw.* 3. *Stat.* 3. *Fitz. Nat. Br.* fol. 62. *Plow. Casu Mines*, fol. 316. Is the very day of *S. Peter ad Vincula*, which is celebrated on the first day of *August*, and called the *Gule of August*, from the Latin *Gula*, i. a Throat; the reason is set down in *Durand's Rationale*, (lib. 7. cap. 19.) who says, That one *Quirinus*, a Tribune, having a Daughter that had a disease in her Throat, went to *Alexander*, then Pope of *Rome*, the Sixth from *St. Peter*, and desired of him to borrow, or to see the Chains, that *St. Peter* was chained with under *Nero*, which being obtained, the said Daughter kissing the Chains, was cured of her disease, and *Quirinus*, with his Family, baptised. *Tunc dicitur Alexander Papa hoc Festum in Calendis Augusti celebrandum instituit, & in honorem Beati Petri Ecclesiam in Urbe fabricavit, ubi vincula ipsa reposuit, & Ad Vincula nominavit, & Calendis Augusti dedicavit. In qua Festivitate populus illic ipsa vincula hodie osculatur.* So that this day, being before called only the *Calends of August*, was, upon this occasion, termed indifferently, either *S. Peter's day Ad Vincula*, from the Instrument that wrought the Miracle; or the *Gule of August*, from that part of the Virgin, whereon the Miracle was wrought. *Averagium astivale fieri debet inter Hæwæy, & Gulam Augusti. Rentale Manerii regalis de Wy.*

**Gyltwit**, (according to *Saxton* in his Description of *England*, cap. 11.) Is an Amends for *Trespas*s. But I find no such word in *Spelman's Gloss. Sax. Dict.* or *Ancient Record*. Therefore, doubtless, mistaken for *Gyltwit*, which *Vide*.

**Gylt**, (*Hospes*,) Is used by *Bracton* for a Stranger or Guest, that lodges with us the second Night. *Lib. 3. tract. 2. cap. 10.* In the *Laws of St. Edward*, published by *Lambert*, num. 27. it is written *Gylt*. Of this see more in *Uncouth*.

**Gwabynerched**, Is a British word, signifying a Payment or Fine made to the Lords of some Mannors, upon the Marriage of their Tenants Daughters; or otherwise upon their committing Incontinency. See *Marchet* and *Lairwite*.

**Omnibus** — *Jacobus Baskerville Miles Dominus Manerii de Ysley* (Com. Heref.) salutem. Noveritis me præfatum Jacobum remisisse Johanni ab John Hared. & assign. suis totum jus, titulum, &c. quod habeo de & in quibusdam Servitiis aut redditibus exewit. de tenemento quod prædictus Johannes tenet de me in prædicto Manerio, quæ servitia aut redditus sequuntur, viz. *Hochmeswyrp*, otherwise called *Mastswine*. *Gwarthegau* Claimai, otherwise called *Cowyeid*. *Gwabynerched*, otherwise called *Lairwite*. *Arianpihen*, otherwise called *Ox-Silver*. *Gwasa-naethen*, otherwise called *Work-Silver*. And *Deiliad-wooz*, otherwise called *Tenant in Moor*. Ita quod nec ego prædicti. Jac. nec heredes mei aliquod jus, &c. in prædictis serviciis in futur. habere poterimus, &c. Dat. 16. Oct. 4. *Edw.* 6. Penes Joh. Stead Gen.

**Gwalstow**, (*Gwalstowum*, a *Sax. Gwal*, i. Partibulum, & *stow*, locus) *Locus Patibuli seu occidendrum. Omnia Gwalstowa, id est, occidendorum loca, totaliter Regis sunt in foca sua. LL. Hen. 1. cap. 11.*

**Gylpu**. It was founded by Inquisition upon an *Ad quod Dammum*. 13 *Edw.* 3. n. 12. That there did belong to the Liberty or Hundred of *Patbbew*, in *Com. W. r.* a certain Court called *Gylpu*, held every three weeks; but why or whence so called, *quere*.

**Gyltwe**, — *Habeatque ipse Episcopus* (sc. *Oswaldus Ep. Weorceastre*,) *omnesque sui successores ibi ad jus Ecclesiasticum, debita transgressionum & penam delictorum, quæ nos dicimus Offesse, enesse & Gyl pi e, & omnia quæcumque Rex in suis Hundredis habet. Ex ipso Autographo Eadgari Regis Dat. Anno 964. Penes serenissimam Majestatem CAROLI II. Regis. A compensation or amends for Trespas or Fraud; Multa pro Transgressionem.*

**Gyvue**, (*Fr. Juif*.) In Law French signifies a Jew. — *Et qe nul Gyvu de ceo iur en avant tel manere de detter. Provisions de Judaismo, 53 Hen. 3.*

## H.

**Habras Corpus**, Is a Writ, which a Man, indicted for a *Trespas*s before Justices of Peace, or in a Court of any Franchise, and imprisoned for it, may have out of the *Kings Bench*, thereby to remove himself thither at his own costs, and to answer the Cause there. *Fitzb. Nat. Br. fol. 250.* And the order in this case, is; first, to procure a *Certicari* out of the *Chancery*, directed to the said Justices, for removing the Indictment into the *Kings Bench*, and upon that, to procure this Writ to the Sheriff, for the causing his Body to be brought at a day, *Reg. Jud. fol. 81.* where you shall find divers cases where in this Writ is allowed.

**Habeas Corpora**, Is a Writ that lies for the bringing in a Jury, or so many of them as refuse to come upon the *Venire facias*, for the trial of a Cause brought to issue. *Old Nat. Br. fol. 157.* See great diversity of this Writ in the Table of the *Reg. Judic.* and the *New Book of Entries, verbo, Habeas Corpora*.

**Habendum**, Is a word of course in a Conveyance, in every of which are Two principal Parts, the *Premises*, and the *Habendum*. The Office of the first is, to express the name of the Grantor, the Grantee, and the thing granted. The *Habendum* is to limit the Estate, so that the general implication of it, (which, by construction of Law, passeth in the *Premises*,) is by the *Habendum* controlled and qualified. As in a Lease to two Persons, the *Habendum* to one for Life, the Remainder to the other for Life, alters the general implication of the Joyntenancy in the Freehold, which should pass by the *Premises*.



misses, if the *Habendum* were not. *Coke*, vol. 2. *Bucklers Case*, fol. 55. See *Use*.

**Havere facias Seisinam**, Is a Writ *Judicial*, which lies, where a Man hath recovered Lands in the Kings Court, directed to the Sheriff, and commanding him to give him Seisin thereof, *Old Nat. Br.* fol. 154. whereof see great diversity in the Table of the *Reg. Judic.* This Writ is issuing sometimes out of the Records of a Fine executory, directed to the Sheriff of the County, where the Land lies, and commanding him to give to the Cognizee, or his Heirs, Seisin of the Land, whereof the Fine is levied; which Writ lyeth within the year after the Fine, or Judgment upon the *Scire Facias*, and may be made in divers Forms. *West*, part 2. *Symb. rit. Fines*, sect. 136. There is also a Writ, called *Habere facias seisinam, ubi Rex habuit annum, diem & vastum*; which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of his Lands, who was convicted of Felony. *Reg. of Writs*, fol. 165.

**Habere facias vilum**, Is a Writ, that lies in divers cases, as in *Dower*, *Formedon*, &c. Where a *View* is to be taken of the Lands or Tenements in question. See *Fitzh. Nat. Br. in Indice. verbo* (View.) *Bracton*, lib. 5. tract. 3. cap. 8. and lib. 5. part 2. cap. 11. See *View*.

**Haberjets or Haubergets**, (*Haubergettae*), A kind of Cloth. *Una sit latitudo pavorum tintorum, ruffatorum, & Haubergettarum, scil. Duæ ulnæ infra listas.* *Mag. Charta*, cap. 26.

**Habilliments of War**, (*Anno 31 Eliz. cap. 4.*) Armor, Harnels, Utensils, or Provisions for War; without which, Men have not ability to maintain War. 3 *Part. Instit.* fol. 79.

**Hables**, Is the Plural of the French *Hable*, signifying a Sea-Port or Haven. The word is used 27 *Hen. 6. cap. 3.*

**Haches**. See *Hatches*.

**Hachote**, (*Sax.*) Was a recompence or satisfaction for the violation of Holy Orders, or violence offered to persons in Holy Orders. *Sax. Dict.*

**Hade of Land**, (*Hada terra*,) — *Sursum reddidit in manus Domini duas acras terræ, continens decem Seliones & duas Hadas, Anglice, Ten Hingges, and two Hades, jacen. int. terr.* — *Rot. Curie Maner. de Orleton, Anno 16. Jac. Chevitia.*

**Hadgonel**, alias **Haggoncl**. *Item quando aliquis delegabit terram Burgagii in elemosinam conventus, terra illa solebat de cetero esse quæta de Hadgonel, & maxime Celerario.* *Mon. Angl.* 1 par. fol. 302 a. q.

**Harede deliberando alii, qui habet custodiam terræ**, Was a Writ directed to the Sheriff, willing him to command one that had the Body of him, who was Ward to another, to deliver him to him, whose Ward he was, by reason of his Land. *Reg. of Writs*, fol. 161. b.

**Harede abducto**, Is a Writ that lay for the Lord, who, having by Right the Wardship of his Tenant under Age, could not come by his Body, being conveyed away by another. *Old Nat.*

*Br.* fol. 93. See *Ravishment de Gard*, and *Here de raptu*, in *Reg. of Writs*, fol. 163.

**Hæretico comburendo**, Is a Writ that lay against him, that was an Heretick, viz. Who, having been once convicted of Heresie by his Bishop, and having abjured it, fell afterwards into it again, or into some other; and was thereupon committed to the Secular Power. *Fitz. Nat. Br.* fol. 269. This Writ lies not at this day, according to Sir *Edward Coke*, in his 12 *Rep.* fol. 93.

**Hafne Courts**, **Hafne** is a Danish word, and signifies with us a Haven or Sea-Port. Letters Patent of *Richard*, Duke of Gloucester, Admiral of England, 14 Aug. Anno 5 Edw. 4. have these words, — *Uterius dicunt quod dicti Abbas & Conventus & predecessores sui habent & habere consueverunt per idem tempus in predictis villis (Bancaster & Ringstead,) cum Hulmo quasdam Curias Portus, vocatas Hafne Courts tenendis ibidem ad placitum Abbatum, &c.* Haven or Port-Courts, 4 *Inst.* fol. 147.

**Haga**, (*Sax. Hæg, i. Domus*,) A House in a City or Borough. In *Domesday*, viz. *Suffex. Terra Rogerii*, num. 11. *Radulfus tenet unam Hagam de xii. Denar. Willielmus quinque Hagas de quinque Sol. &c.* An ancient anonymous Author expounds *Haga* to be *Domus cum Shopa*. — *Cum novem prefate Civitatis habitaculis, que patria lingua Hagan appellari solent.* *Charta Ethelredi Regis*, in *Auctario Matth. Paris*, fol. 240. *Coke on Litt.* fol. 56. b. See *Haw*.

**Hagbut**. See *Hague* and *Haguebut*.

**Haia and Haysta**, A Hedge, and sometimes taken for a Park or Enclosure. *Vallatum fuit & inclausuratum fossato, Haia, & palatio.* *Bracton*, lib. 2. cap. 40. num. 3. Hence *Haicement* for a Hedgefence. *Rot. Inq.* 36 Edw. 3. in *Scac. de Foresta*. See *Hay*.

**Haiebote** (from the Fr. *Haye i. sepes*, and the Sax. *Bo-te, i. compensatio*,) Is used for a Permission or Liberty to take Thorns and Fryth, to make or repair Hedges.

**Halfendeal**, The Moiety or one half.

**Half-mark**, (*Dimidia Merke*,) Is a Noble. *Fitzherbert* (in *Nat. Br.* fol. 5.) says, That, in case a Writ of Right be brought, and the Seisin of the Demandant, or his Ancestor alleaged, the Seisin is not traversable by the Defendant, but he may tender the *Half-mark* for the enquiry of this Seisin; which is in plainer terms, that the Defendant shall not be admitted to deny, that the Possessor or his Ancestors was seised of the Land in question, and to prove his denial, but that he shall be admitted to tender *Half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seised, or not. And in this Signification we read the same words in the *Old English Nat. Br.* fol. 26. b. See also *Fitz. Nat. Br.* fol. 31.

**Half-seal**, Is used in the Chancery for the sealing of Commissions to Delegates, appointed upon any Appeal in Ecclesiastical or Marine Causes. *Anno 8 Eliz. cap. 5.*

**Half-tong**. See *Medietas Lingue*.

**Halfmote**

**Halmote** or **Halimote**, (from the Sax. Heale, *i. aula*, & *ġemoſ*, *i. conventus*,) Is that we now call a Court Baron; and the etymology is the Meeting of the Tenants of one Hall or Mannor. *Omnis causa terminetur vel Hundredo, vel Comitatu vel Halimot, focam habentium, vel Dominorum Curia*. LL. Hen. 1. cap. 10. The name is still retained at *Lufon*, and other places in *Herefordshire*.

Hereford } *Ad Halimot ibidem tent. 11. die*  
Palatium }  
Oſt. Anno Regni Regis Hen. 6. 24. *Venit Johannes Garnſton & Juliana Uxor ejus in plena Curia, &c.*

It is ſometimes taken for a Convention of Citizens in their Publick Hall, which was alſo called *Folkmot* and *Halimot*. As in London every Company hath a Hall, wherein they keep their Courts. 4. *Inſt. fol. 249.* This *Halmote* and *Halimote* are often confounded, though originally they were two diſtinct Courts.

**Hall**, (*Halla*, Sax. Healle,) Was anciently taken for a Manſion-houſe or Habitation. *Domeſday, vir. Chent. Terra Hugonis de Mountfort. In Newceſt Hundred ipſe Hugo tenet unam terram quam Azor Rot tenuit de R. E. (Rege Edovardo,) ſine Halla, i. ſine domo.*

**Hallage** (Fr.) Is a Fee or Toll due for Cloaths brought for ſale to *Blackwel-hall* in London. *Coke, vol. 6. fol. 62. b.* Alſo the Toll that is due to the Lord of a Fair or Market, for ſuch Commodities as are vended in the Common Hall of the place.

**Hallamſhire** (*Anno 21. Jac. cap. 31.*) Is a part of *Yorkſhire*, where the Town of *Sheffield* ſtands.

**Halsfang**. See *Healfang* and *Pillory*.

**Halymote**, Properly an Holy or Eccleſiaſtical Court; howbeit there is a Court held in London by this name, before the Lord Mayor and Sheriffs, for regulating the Bakers, and was anciently held on Sunday next before *St. Thomas Day*, and therefore called the *Halymote*, or Holy Court: The Title thereof ran thus, — *Curia Sancti-motis tenta in Guilbalda Civitatis London coram Maiore & Vicecom. &c.*

**Halywerckfolk**. (*Ranulphus Dei Gratiâ Dunelmensis Episcopus omnibus hominibus ſuis Francis & Anglis de Halywerckfolk ſalutem. Mon. Angl. 1. Par. fol. 512. b.*) Did anciently ſignifie ſuch of the Province of *Durham*, as held their Lands, to defend the Corps of *St. Cuthbert*, and claim'd the Privilege, not to be forced to go out of the Biſhoprick either by King or Biſhop. *Hiſt. Dunelm.* And *Durham* in our Year Books is called *Franchiſe de Werk*. *Selden.*

**Ham**, (Sax.) A Houſe or Habitation; alſo a Village or Town. Hence our many Towns end with it, as *Nottingham*, *Buckingham*, *Walsingham*, &c.

**Hameling** or **Hambling** of Dogs, Is all one with *Expeditating*. *Manwood (Part. 1. fol. 212. and Part. 2. cap. 16. num. 5.)* ſays, This is the ancient term that Foreſters uſed for that matter. See *Expeditate*.

**Hamel**, **Hamlet**, **Hampſel**, Are Diminutives of *Ham*; and ſignifie a little Village; or rather part of a Village; of which three, the word *Hamlet* is now only uſed, though *Kitchin* uſeth both *Hamel* and *Hampſel*. The Learned *Spelman* upon theſe words, ſhewing the difference betwixt *Villam integram*, *villam dimidiam* & *Hamletam*, ſays thus, — *Hamletam vero, que medietatem friborgi non obtinuit; hoc eſt, ubi quinque Capitales plegii non deprehendi ſunt.* The Statute of *Exon*, 14 *Edw. 1.* mentions this word thus — *Lex noſtes de toutes les villes & Hamlets que ſont en ſon Wapentake, &c.* In an ancient MS. I find it expounded, the ſeat of a Free-holder.

**Hamlare**, (Sax.) *Inſultus factus in domo, vel violatio pacis in domo privata.* See *Gloſſ. in x. Scriptores.*

**Hampſel**. See *Hamel*.

**Hamloken** (Sax. *Hamſocn*,) The Liberty, Privilege, or Freedom of a Man's own Houſe, or home; alſo a Franchiſe or Privilege ſo call'd, granted to the Lords of Mannors, whereby they hold Pleas, and take Cognizance of the Breach of that Immunity. *Sax. Diſt. Significat quietantiam miſericordiæ intrationis in alicnam Domum vi & injuſtè.* *Fleta, lib. 1. cap. 47. Concedo libertatem & poteſtatem, jura, conſuetudines & omnes foriſfacturas omnium terrarum ſuarum, i. Burgheritha, & Hundred-Serene, Achaſ, & Dodelas, & Inſangtheoſas, Hamſocne, & Fridehvice, & Foſſel, & Toll, & Team, in omni Regno meo, &c.* Char. Donationis ab *Edmundo Rege Eccleſ. Sanctæ Mariæ Glaſton.* Our ancient Records expreſs *Burglary* under this word *Hamſocne*. See *Homesoken*.

**Handbozow** (Sax. *Boſg-hand*, *i. a Surety*,) *Eſt quaſi vas aut fidejuſſor manuensis, hoc eſt, minor ſeu inferior; nam Headbozow vas eſt capitalis vel ſuperior.* *Spelman.*

**Hand in, and hand out**, (*Anno 17 Edw. 4. cap. 2.*) Is the name of an unlawful Game, now diſuſed.

**Handful**, Is four Inches by the Standard. *Anno 33 Hen. 8. cap. 5.*

**Hangrith**, (Sax.) *Inſraſtio ſeu violatio pacis, quam quiſquam per manum ſuam dabat alicui.* LL. Hen. 1. cap. 2.

**Handy-warp**, A kind of Cloth made at *Cockſal*, *Bocking*, and *Braintree* in *Effex*, and mentioned in the Statute of 4 & 5 *Phil. & Ma. cap. 5.*

**Handhabend**, (Sax. *hæbbendſe handa*,) *Si quis hominem liberum lacerocinium ſeu rem furatam ſecum deferentem, (quem hæbbendſe handa vocant,) comprehenderit, &c.* *Concil. Berghamſted, Anno 697.* See *Hond-habend*.

**Hankwit** alias **Hangwite**, (From the Sax. *Hanſan*, *i. ſuſpendere*, and *ſice*, *mulcta*,) Is (according to *Raſtal*,) a Liberty granted to a Man, whereby he is quit of a Felon or Thief, hanged without Judgment, or eſcaped out of cuſtody. We read it interpreted, to be quit *de larum pendu ſans Sericants le Roy*, *i. without Legal Trial.* And elſewhere, *Mulcta pro latrone præter juris exigentiam ſuſpenſo vel elapſo.* Q. Where



ther it may not also signifie, a Liberty whereby a Lord challengeth the Forfeiture due for him, who hangs himself within the Lords Fee? See *Bloudwit.*

**Hanper** or **Hanaper** of the **Chancery**, (*Anno 10 Rich. 2. cap. 1.*) Seems to signifie, as *Fiscus* originally does in Latin. See *Clerk of the Hanaper.*

**Hanse**, (an old Gothish Word,) Signifies a Society of Merchants, combined together for the good usage, and safe passage, of Merchandise from Kingdom to Kingdom. This Society was, and in part yet is, endued with many large Privileges of Princes, respectively within their Territories. It had Four principal Seats or Staples, where the Almain or Dutch Merchants, being the Erectors of this Society, had an especial House, one of which was here in London, called *Guildbalda Teutonicorum*, vulgarly the *Steelyard*. See *Ortelius Index, verbo, Anstatiici.* — *Et quod habeant Gildam Mercatoriam cum Hanfa, &c.* Carta Hen. 7. Ball. & Burgens. Mountgomer.

**Hap**, (Fr. *Happer*, to catch, or snatch,) Signifies the same with us; as to *Hap* the possession of a Deed Poll, *Littleton, fol. 8.* To *hap* the Rent; As, if partition be made between two Parceners, and more Land be allowed to one than the other, and she that has most of the Land, charges her Land to the other, and she *happeth* the Rent, she shall maintain Assise without specialty. *Terms Ley.*

**Haque**, Is an Hand-Gun of about three quarters of a yard long. *Anno 33 H. 8. cap. 6.* and *2 & 3 Edw. 6. cap. 14.* There is also the *half-haque*, or *demi-haque*.

**Haquebut**, (Fr.) A kind of Gun or Caliver, otherwise called an *Arquebuse*. *Anno 2 & 3 Edw. 6. cap. 14.* and *4 & 5 Ph. & Ma. cap. 2.* Otherwise called a *Hagbut*.

**Haratium**, From the Fr. *Haras*, a race of Horses and Mares kept for Breed; In some parts of England called a *Stud* of Mares. — *Et decimas de dominio suo, de pratis, de bladis, parcis, Haratiis, molendinis & de vivariis.* Mon. Angl. 1. par. fol. 339.

**Heriot** alias **Heriot**, (*Heriotum*,) Sir Edward Coke on *Litt. fol. 185. b.* says, This, (as he takes it,) in the Saxon Tongue, is called *Heregat*, that is, the Lords Beast; for *here*, (says he,) is Lord, and *geat* is Beast; from which I crave Liberty to dissent: For *Here* in Sax. signifies an Army; and the Saxon *Hespegar*, (from whence we derive our *Heriot*,) signify'd Provision for War; or a Tribute or Relief given to the Lord of a Mannor, for his better preparation towards War: *Erat enim Hereotum militaris supellestilis prestatio, quam, obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says *Spelman*. And, by the Laws of *Canutus, Tit. de Hereotis*, it appears, that at the death of the Great Men of this Nation, so many Horses and Arms were to be paid, as they were, in their respective Lifetimes, obliged to keep for the Kings Service. It is now taken for the best Beast a Tenant hath

at the hour of his death, due to the Lord by Custom, be it Horse, Ox, &c. and in some Mannors, the best piece of Plate, Jewel, or the best good. *Heriot* is of two sorts; First, *Harriot Custom*, where *Harriots* have been paid time out of mind by Custom, after the death of a Tenant for life. 2. *Harriot Service*, when a Tenant holds by such service to pay *Heriot* at the time of his death. For this the Lord shall distrain, and for the other he shall seize, and not distrain. If the Lord purchase part of the Tenancy, *Harriot Service* is extinguished, but not so of *Harriot Custom*. *Cokes 8 Rep. Talbots Case.* See *Farley*.

**Hart**, Is a Stag of five years old compleat; And if the King or Queen hunt him, and he escape, then he is called an *Hart-Royal*; And if, by such hunting, he be chased out of the Forest, Proclamation is commonly made in the places adjacent, that, in regard of the pastime the Beast has afforded the King or Queen, none shall hurt or hinder him from returning to the Forest, then is he an *Hart-Royal* Proclaimed. *Manwood, Part 2. cap. 4. num. 5.*

**Harth-penny**, and **Harth-silver**, (Sax. *Heorþpeninȝ*.) See *Chimney-Money*, and *Peter-Pence*.

**Hatches** or **Hatches**, (mentioned in the Stat. 27 Hen. 8. 23. by the name of *Harches* and *Tirs*,) Are certain Dams or Mounds made of Rubbish, Clay or Earth, to prevent the Water issuing from the Stream-works, and Tyn Washers in *Cornwal*, from running into the fresh Rivers. And the Tenants of *Babstoke*, and other Mannors there, are bound to do yearly certain days works *ad la Hacches*. *Survey of Cornwall.*

**Hauwergets**. See *Haberjets*.

**Haur**, (*LL. Will. 1. cap. 16.*) Seems to be there used for hatred; from the French *Hair* to hate.

**Hauthoner**, *Homo loriceus*, A Man armed with a Coat of Mayl. — *Et faciendo servitium de Hauthoner, quantum pertinet ad predictam villam.* Carta Galfridi de Dutton, tempore Hen. 3.

**Haw**, (from the Sax. *Haġa*,) A small quantity of Land so called in *Kent*; as a *Hemphaw*, or *Beanhaw*, lying near the House, and enclosed for that use. *Sax. Dict.* But I have seen an ancient MS. that says, *Hawes vocantur mansiones five domus*. And Sir Edw. Coke (on *Litt. fol. 5. b.*) says, in an ancient Plea concerning *Feverisham* in *Kent*, *Haws* are interpreted to signifie *Mansiones*. *Camden* says, That *Hawgb* or *Howgb* signifies a green Plot in a Valley, as they use it in the North.

**Haward**. See *Hayward*.

**Hawberk**, or **Haubert**, quasi **Hauberg**, (Fr. *Haubert. i. Lorica*,) He that holds Land in France by finding a Coat or Shirt of Mayl, when he shall be called, is said to have *Hawberticum feudum, fief de Haubert*. — *Hauberk*, or *Haubergion*, with our Ancestors did signifie, as in France, a Coat or Shirt of Mayl, and it seems to be so used *Anno 13 Edw. 1. Stat. 3. cap. 6.* Haut & bafe Justice.

**Hawkers**,

**Hawkers,** Those deceitful Fellows, who went from place to place buying and selling Brads, Pewter, and other Merchandise, which ought to be uttered in open Market, were of old so called. The word is mentioned *Anno 25 Hen. 8. cap. 6. and 33 ejusdem, cap. 4.* We now call those *Hawkers*, who go up and down London-Streets crying News-books, and selling them by retail; and, the Women, who sell them by wholesale from the Press, are called *Mercury-Women*. The Appellation of *Hawkers* seems to grow from their uncertain wandring, like those who, with *Hawkes*, seek their Game where they can find it.

**Hay,** (*Haya, Fr. Haya.*) An Inclosure, anciently fenced with Rails; as in *Cank-Forest* there were seven such, and one in most Parks; sometimes it is used for the Park it self, sometimes for an Hedge, or hedged Ground. *Universis—Capitulum B. Petri Ebor. concessisse ad firmam—totam Hayam nostram de Langerath, cum solo ejusdem Hayæ, brueria, marisco, & omnibus aliis pertin.—Reddendo inde annuatim nobis tempore Pinguedinis unum damum & Fermisone tempore unam damam, &c. Dat. 13 Kalend. Jan. Anno 1279.*

**Hayward,** (from the *Fr. Hay, i. Sepe,* and *Garde, i. Custodia.*) Signifies one that keeps the common Herd of the Town; and, the reason may be, because one part of his Office is to look that they neither break nor crop the Hedges of enclosed Grounds. He is a sworn Officer in the Lords Court, the form of whose Oath you may see in *Kitchin, fol. 46.*

**Hazarders,** Are those that play at the Game at Dice, called *Hazard*; *Hazardor communis ludens ad falsos talos adjudicatur quod per sex dies in diversis locis ponatur super collistrigium. Int. Plac. Trin. 2. Hen. 4. Suffex 10.*

**Headborow,** (from the *Sax. Head, i. Sublimatus, & Bopse, fidejussor.*) Signifies him that is chief of the Frankpledge, and that had the principal Government of them within his own pledge. And, as he was called *Headborow*, so was he also called *Burrowhead, Bartholder, Thirdborow, Tithingman, Chief-pledge*, or *Borowelder*, according to the diversity of speech in several places. Of this see *Lambert* in his Explication, &c. verbo, *Centuria*; *Smyth de Rep. Angl. lib. 2. cap. 22.* The same Officer is now called a *Constable*. See *Constable*.

**Head-pence,** Was an exaction of 51 l. heretofore collected by the Sheriff of *Northumberland* of the Inhabitants of that County, twice in seven years; that is, every third and fourth years, without any account made to the King; which was therefore (by the Stat. 23 Hen. 6. cap. 7.) Clearly put out for ever. *V. Rot. Parl. 4 H. 6.* See *Common Fine*.

**Head-silver.** See *Common Fine*.

**Healsfang or Halsfang, (Collistrigium.)** Is compounded of two Saxon words *Hals, i. Collum,* and *fang, Captus*; *pæna scilicet, qua alicui collum stringatur, (Collistrigium.)* See *Pillory*.

**Heath-money.** See *Chimney-money*.

**Hebber-man,** A Fisherman below *London-bridge*, who fishes for Whittings, Smelts, &c. commonly at *Ebbing-water*, and therefore so called. Mentioned in *Art. for the Thames-Jury*, Printed 1632.

**Hebbling-wears,** (Mentioned in 23 Hen. 8. cap. 5.) Are Wears or Engins made or laid at *Ebbing-water*, for taking Fish. *Quere.*

**Heck,** Is the name of an Engin to take Fish in the River *Onse* by *York*. *Anno 23 Hen. 8. cap. 18.* And *Heccagium*, which occurs in our Records, may be the Rent paid to the Lord of the Fee, for liberty to use those Engins.

**Hede,** A Haven or Port. *Domesday.*

**Heimineum,** — *Salvo servitio quatuor hominum, quolibet tertio Anno per sex dies ad meum Heimineum faciendum, apud Dodelston—Carta Hugonis de Boydel temp. H. 2.* It signifies an Hayment, or Hedge-fence.

**Heintare.** See *Hinesfare*.

**Heir,** (*Heres,*) Is he that succeeds, by right of Blood, in any Mans Lands or Tenements in Fee; for nothing passeth *Jure Hereditatis*, but but Fee. By the Common Law a Man cannot be Heir to Goods or Chattels, for *Heres dicitur ab Hereditate*. Every Heir, having Land by descent, is bound by the binding Acts of his Ancestors, if he be named, *Qui sentit commodum, sentire debet & onus.* *Coke on Littl. fol. 7, 8.*

**Last Heir.** See *Last*.

**Heire-loome,** (from the *Sax. Heier, i. heres, & leome, i. membrum.*) Omne utensile robustius quod ab adibus non facile revellitur, ideoque ex more quorundam locorum ad heredem transit, tanquam membrum hereditatis. *Spelm.* It comprehends divers implements of Household, as *Tables, Presses, Cupboards, Bedsteads, Furnaces, Wainscot,* and such like, which (in some Countries, having belonged to a House certain descents, and never inventoried, after the decease of the Owner, as Chattels,) accrue by Custom, not by Common Law, to the Heir with the House it self. *Consuetudo Hundredi de Stretford in Com. Oxon. est, quod heredes tenementorum infra Hundredum predict. existen. post mortem antecessorum suorum habebunt, &c. Principalium, Anglice aut Heir-loome, viz. De quodam genere catallorum, utensilium, &c. optimum plaustrum, optimam carucam, optimum ciphum, &c.* *Coke on Littl. fol. 18. b.*

**Heisa, servitium,** Inter placita de temp. Jo. Regis, *Northampton 50.*

**Henchman,** *Qui equo immititur bellicoso,* From the German *Hengst*, a War-Horse: With us it signifies one that runs on foot, attending upon a Person of Honor or Worship. *Anno 3 Edw. 4. cap. 5. and 24 Hen. 8. cap. 13.* It is written *Hentman, Anno 6 Hen. 8. cap. 1.*

**Henghen,** (*Sax. Hengen,*) A Prison, Goal, or House of Correction. *Si quis amicus destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusati ne ponatur in Hengen, & ibi sustineat donec ad Dei judicium vadat.* *LL. Hen. 1. cap. 65.*

**Henchwife.**



**Hengwite**, (LL. Wil. 1.) Significat quietantiam misericordia de latrone suspensio absque consideratione. Fleta, lib. 1. cap. 47. See *Hankwite*.

**Herald**, **Heral**, or **Harold**, (Ital. *Heraldo*, Fr. *Herauld*, Vel quasi *Herus* alius,) Signifies an Officer at Arms, whose Function is to denounce War, to proclaim Peace, and to be employed by the King in Martial Messages. Thus described by *Polidore*, lib. 19. *Habent insuper Apparitores ministros, quos Heraldos dicunt, quorum praefectus Armorum Rex vocatur, hi belli & pacis nuntii: Ducibus, Comitibusque à Rege factis, insignia aptant ac eorum funera curant.* They are Judges and Examiners of Gentlemens Arms, and Conservers of Genealogies; they Martial the Solemnities at the Coronation, and Funerals, of Princes, Manage Combats, and such like. The three chief are called *Kings at Arms*, of which, *Gar*ter is the Principal, instituted and created by Henry the Fifth, (*Stow's Annal.* pag. 584.) whose Office is to attend the Knights of the *Gar*ter at their Solemnities, and to Marshal the Funerals of the Nobility; yet I find in *Plowden*, *Casu Reneger & Fogossa*, that Edward the Fourth granted the Office of King of *Heralds* to one *Gar*ter, *Cum feudis & proficiis ab antiquo*, &c. fol. 12. b. The next is *Clarentius*, ordained by Edward the Fourth, who, attaining the Dukedom of *Clarence*, by the death of George his Brother, whom he beheaded for aspiring to the Crown, made the *Herald*, which properly belonged to that Dukedom, a King at Arms, and called him *Clarentius*. His proper Office is, to martial and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm on the South-side of *Trent*. The third is *Norroy*, quasi *North-Roy*, whose Office is the same on the North-side of *Trent*, as *Clarentius* on the South, as is intimated by his name, signifying the *Northern King*, or *King at Arms* of the North parts. Besides these, there are six other properly called *Heralds*, according to their original, as they were created to attend certain great Lords, &c. in Martial Expeditions, viz. *York*, *Lancaster*, *Somerset*, *Richmond*, *Chester*, *Windfor*. Lastly, there are four other called *Marshals* or *Pursuivants at Arms*, who commonly succeed in the place of such *Heralds* as die, or are preferred, and those are *Blew-mantle*, *Rouge-crofs*, *Rouge-Dragon*, and *Percullis*. These *Heralds* are by some Authors called *Nuntii Sacri*, and by the Ancient Romans, *Feciales*, who were Priests. *Kings at Arms* are mentioned in the Statute of 14 Car. 2. cap. 33. Of these see more in Sir Hen. Spelman's learned *Glossarium*.

**Herbage**, (Fr.) (Lat. *Herbagium*.) Signifies the Pasture or Fruit of the Earth, provided by Nature for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a Man hath to feed his Cattle in another Mans Ground, as in the Forest. *Crompt. Jur.* fol. 197. *Occurrit frequens* (says *Spelman*) *pro jure depascendi alienum solum, ut in Forestis.*

**O**mnibus—Hugo de Logis—salutem. Sciatis me dedisse—Thomae de Erdington totam

terram meam de Alfedemore cum pertin., Reddendo inde annuatim sex sagittas barbatas ad festum S. Mich. Salvo mihi & Marg. uxori meae, quod nos in praedicta terra habebimus Liberum Herbagium ad cultum nostrum, nobis & omnibus hominibus nostris de familia nostra transeuntibus, &c. Sine Dat. Penes Wil. Dugdale Arm.

**Herbenger**, (from the Fr. *Herberger*, i. *Hospitio accipere*.) Signifies with us an Officer of the Kings Court, who allots the Noblemen, and thole of the Household, their Lodgings. *Kitchin* (fol. 176.) uses it for an Inn-keeper.

**Herbergagium**. *Peter de Marton* gave the Monks of *Blyth Abby* Timber to make *Herbergagia*, i. Lodgings to receive Guests in the way of Hospitality, *ut opinor*.

**Herbergatus**,—*Volo etiam quod Burgenses mei molent omnia blada sua super terram de Altringham crescentin, vel in eadem Villa Herbergata, ad molendina mea, pro octavo decimo vase mularum.*—Carta Hamonis de Maffy, sine dat. i. *Hospitio expensa*, spent in an Inn.

**Herciart**, (a Gal. *Hercer*, to Harrow,)—*Arabant & Herciebant ad Curiam Domini*, i. They did Plough and Harrow at the Mannor of the Lord. 4 *Inst.* fol. 270.

**Herdewich** or **Herdelwir**, (*Herdewycha*.) A Grange or place for Cattle and Husbandry.—*Et unam Herdewycham apud Hethcotum in Peco*, &c. Mon. Angl. 3 part. fol.

**Hereditament**, (*Hereditamenta*.) Signifie all such immovable things, be they corporeal, or incorporeal, as a Man may have to himself and his Heirs, by way of Inheritance, (see 32 Hen. 8. cap. 2.) or, not being otherwise bequeathed, do naturally, and of course, descend to the next Heir, and fall not within the reach of an Executor or Administrator, as Chattels do. It is a word of great extent, and much used in Conveyances; for by the Grant of *Hereditaments*, Illes, Seigniories, Mannors, Houses, and Lands of all sorts, Charters, Rents, Services, Advowsons, Commons, and whatsoever may be inherited, will pass. *Coke on Littl.* fol. 6. *Hereditamentum est omne quod jure hereditario ad heredem transeat.* *Hereditamenta corporea*, (according to Judge *Doderidge*.) are Revenues Local, and of Annual Value. *Hist. of Wales*, fol. 90.

**Heretare**, (Sax.) *Profectio militaris & expedire.* See *Subsidy*.

**Heregeat**, or **Hereget**, dicitur justa relevatio, Anglice *Harior*. MS. in *Bibl. Cotton.* sub tit. *Vitellius*. C. 9. See *Harior*.

**Heregeld**, (Sax.) *Pecunia seu tributum alendo exercitus collatum.* See *Subsidy*.

**Herior**. See *Harior*.

**Herelita**, rectius **Herelitz**, Signifies a Soldier hired, and departing without Licence; from the Saxon *Hesse*, *exercitus*; & *litan*, *seindere*, *disolvere*; not from *Soliten*, to depart, as in 4 *Inst.* fol. 128. there being no such Saxon word.

**Herga**, A Harrow.

**Hermitage**, (*Heremitagium*.) The Habitation of

of a *Hermite*, a solitary place. *Vulgariter autem locus iste à laicis Heremitagium nuncupatur, propter solitudinem; non quod Heremita aliquis aliquo tempore ibidem solebat conversari.* Mon. Angl. 2 par. fol. 339. b.

**Hermitorium**, Is by some Authors confounded with *Hermitagium*; but I have seen it distinguished, to signify the Chapel, or place of Prayer, belonging to an *Hermitage*; for I find in an old Charter, — *Capella sive Hermitorium.*

**Hernium**, Anciently used for the Tackle or Furniture of a Ship. *Cepit etiam in predicta navi Hernesia ad navem illam spectantia.* Pla. Parl. 22 Ed. 1.

**Herpiat.** See *Frodmortel.*

**Hesia**, — *Usque ad quandam Hesiam ante Messuagium Wil. Warin.* Carta antiq.

**Hesra** or **Hesha**, (a corruption of the Lat. *Hesra*.) A little Loaf of Bread. *Domesday.* See *Ryfa.*

**Hestcorne**. — *In redeundo vero Rex Athelstanus, post peractam victoriam, declinavit per Ebor. versus Beverlacum, ac nonnullas possessiones redeundo, Culcellum per eum ibi depositum, dedit Deo & glorioso Confessori Johanni predicto, ac septem Presbyteris ibidem Deo servantibus.* — *Quasdam avenas, vulgariter dictas Hestcorne, percipiendas de Dominis & Ecclesiis in illis partibus, quas Ministri dictae Ecclesiae, usque in praesens percipiunt pacifice & quiete.* Mon. Angl. 2 par. fol. 367. b.

**Hexam**, Anciently *Hagustald* and *Hangulstad*, was formerly a County of it self, and a Franchise, where the Kings Writ went not; but by the Statute of 14 Eliz. cap. 13. *Hexam and Hexamshire shall be within the County of Northumberland.* See 4 Inst. fol. 22. It was also of old a Bishoprick by the name of *Episcopatus Hagustaldensis.* See Mon. Angl. 2 par. fol. 91.

**Hide of Land**, (Sax. *Hyde-Lands* ab *Hyden*, *tegere*.) *Tanta fundi portio quanta uno per annum coli poterat aratro; vel quae familiae uni sustentandae sufficeret.* A Plough-Land. In an old Manuscript it is said to be 120 Acres. Bede calls it *Familiam*, and says it is as much as will maintain a Family. Others call it *Mansum*, *Mamentem*, *Casatam*, *Carucatam*, *Sullingam*, &c. *Crompt.* in his *Jurisd.* fol. 222. says, A Hide of Land contains One hundred Acres, and eight Hides make a Knights Fee. *Hida autem Anglice vocatur terra unius aratri cultura sufficiens per annum.* Hen. Hunting. Hist. lib. 6. fol. 206. b. But Sir Edward Coke holds, That a Knights Fee, a Hide or Plough-Land, a Yard-Land, or Osgang of Land, do not contain any certain number of Acres. On *Littl.* fol. 69. The distribution of England by Hides of Land, is very ancient; for there is mention of them in the Laws of King Ina, cap. 14. *Henricus 1. Maritande filiae suae gratia Imperatori, cepit ab unaquaque hida Angliae tres sol.* Spel. And see *Cam. Brit.* fol. 158.

**Hidelands**. (Sax. *Hydelander*.) *Terrae ad Hydum seu rectum pertinentes.*

**Hide and gain**, Did anciently signify Arable Land. *Coke on Littl.* fol. 85. b. For of old to gain the Land, was as much as to Till, or are it. See *Gainage.*

**Hidage** or **Hydage**, (*Hydagium*.) Was an extraordinary Tax, payable anciently for every Hide of Land. *Bracton*, lib. 2. cap. 6. writes thus of it. *Sunt etiam quaedam communes praestationes, quae servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenierit, vel cum Rex venerit; sicut sunt Hidagia, Coragia, & Carvagia, & alia plura de necessitate, & ex consensu communi totius regni introducta, & quae ad Dominum feudi non pertinent, &c.* King *Ethelred* in the year of Christ 994. when the Danes landed at Sandwich, taxed all his Land by Hides; every 310 Hides of Land found one Ship furnished, and every 8 Hides found one Jack, and one Saddle for defence of the Realm. *Willielmus Conquestor de unaquaque Hida per Angliam sex solidos accepit.* *Floren. Wigorn.* in *An.* 1084. Sometimes *Hidage* was taken for the being quit of that Tax; which was also called *Hyde-gylb*.

**Hidel**, (*Anno 1 Hen. 7. cap. 6.*) Signifies a place of Protection, or a Sanctuary.

**Hidgild**, (in *LL. Camuti R.*) Exponitur pretium redemptionis aut manumissionis servi.

**His tetrus**. Antiquity did add these words in the end of the Deed, written with the same Hand with the Deed, which Witnesses were called, the Deed read, and then their Names entred; And this Clause of *His tetrus* in Subjects Deeds continued until, and in, the Reign of *Hen. 8.* but now is wholly omitted. *Coke on Littl.* fol. 6.

**Hine**, (Sax.) A Servant, or one of the Family; but, it is now taken in a more restrictive sense, for a Servant at Husbandry; and, the Master *hine*; he that oversees the rest. *Anno 12 R. 2. cap. 4.*

**Hinefar**, or **Heinfare**, (from the Sax. *Hine*, A Servant; and *Fare*, A going or passage,) the loss or departure of a Servant from his Master. — *Si quis occidit hominem Regis & facit Heinfaram, Dar. Regi xx s. &c.* *Domesday*; *tit. Ar. censeld.*

**Hinegeld**, Significat quietantiam transgressionis illatæ in servum transgredientem. MS. *Arth. Trevor*: *Ar.*

**Hirciscunda**, The division of an Inheritance among Heirs. *Goldm. Dict. Arth. Hirciscunda.* See *Action mixt.*

**Hird**. i. *Domestica vel intrinseca familia.* Inter. *Plac. Trin.* 12 Ed. 2. *Ebor.* 48. MS.

**Hithe**. See *Hysb.*

**Hoardmen**, (*Anno 21 Jac. cap. 3.*) Are an ancient Gild or Fraternity at Newcastle upon Tyne, who deal in Seacoal.

**Hoblers**, or **Hobilers**, (*Hobelarii*.) Erant milites gregarii levi armatura & mediocri equo, ad omnem motum agili, sub *Edouardo 3* in Gallia mercatores. *Dicti* (ut reor) vel ab istiusmodi equo, an *Hobby* appellato, vel potius à Gal. *hobille*, tunica. Tabule classes describentes in exercitu



*ejusdem Edwardi Caletem obsident. Anno 1350, sic habent. Sub Comite Kildarie, Banerers 1. Knights 1. Esquires 38. Hobilers 27, &c.* These were Light-horsemen, or certain Tenants, who, by their Tenure, were bound to maintain a little light Nag, for certifying any Invasion; or such like peril towards the Sea-side, as *Portsmouth, &c.* of which you may read 18 Ed. 3. Stat. 1. cap. 7. and 25 *ejusdem*, Stat. 5. cap. 8. and *Cam. Britan.* fol. 272. *Diravit vocabulum usque ad etatem*, Hen. 8. says *Spelman. Gentz darmes & Hobelours*, see *Pryn's Animad. on 4 Inst.* fol. 307. *Hobeleries*, Rot. Parl. 21 Ed. 3.

**Hock-Tuesday-money**, Was a Tribute paid the Landlord, for giving his Tenants and Bondmen leave to celebrate that Day in memory of the expulsion of the Domineering Danes.

**Hockettoz**, or **Hocquetteur**, Is an old French word for a Knight of the Post; a decay'd Man, a Basket-carrier. 3 *Part. Inst.* fol. 175. *Que nul enquerelant neu respoignant ne soit surpris neu che-son per Hocketours, parent que la verite ne soit ensue.* Stat. Ragnan.

**Hogehine**, (rectius, *Third night awn bine*, i. Third night own servant.) Is he that comes guest-wise to an Inn or House, and lies there the third night, after which he is accounted of that Family; and, if he offend the Kings Peace, his Host was to be answerable for him. See *Third-night-awn-bine*.

**Hogthead**, Is a Measure of Wine, Oyl, &c. containing half a Pipe, the fourth part of a Tun, or 63 Gallons. Anno 1 R. 3. cap. 13. See *Barrel*.

**Hokeday**, Otherwise called **Hock-Tuesday**, *dies Martis, quam Quindenam Pasche vocant*, the second Tuesday after Easter-week. — A Day so remarkable in ancient times, that I have seen a Lease without date, reserving so much Rent payable *ad duos anni terminos, scil. ad le Hockeday, & ad Festum Sancti Mich.* — *Et ad festum S. Mich. cum tenere voluerit.* — *Senescallus Curie de la Hele, habebit de Celerario quinque albos panes & Costellos suos plenos Cervisie, & ad idem Festum pro Curia de Kinnerfdone de privilegiis tenendis, habebit totidem, & ad le Hokeday totidem.* Mon. Angl. 2 Par. fol. 550. b. And in the Accounts of Magdalen College in Oxford, there is yearly an Allowance *Pro Mulieribus Hockantibus*, in some Mannors of theirs in Hampshire, where the Men Hock the Women on Munday, and, *contra*, on Tuesday. See *Hocktuesday Money*.

**Holm**, (Sax.) *Hulmus*, *insula amnica*, A River Island, according to *Bede*; or plain grassy Ground upon Water-fides, or in the Water, according to *Camden*. — *Cum duobus holmis in campis de wedonc.* Mon. Angl. 2 p. fol. 292. b.

**Holt**, (Sax.) A Wood.

**Homage**, (Fr.) Is derived from *Homo*, and is called *Homage*, because when the Tenant does this service, he says, *I become your Man*: It is also called *Manhood*, as the *Manhood* of his Tenant and the *Homage* of his Tenant is all one. *Coke on Littl.* fol. 64. In the Original Grants

of Lands and Tenements by way of Fee, the Lord did not only tie his Tenants to certain Services, but also took a submission with Promise and Oath to be true and loyal to him, as their Lord and Benefactor. This submission is called *Homage*, the form whereof you have in 17 Edw. 2. Stat. 2. in these words: *When a Freeman shall do Homage to his Lord, of whom he holds in chief, he shall hold his hands together between the hands of his Lord, and shall say thus, I become your Man from this day forth for life, for member and for worldly honour, and shall owe you my Faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords.* And in this manner the Lord of the Fee, for which *Homage* is due, takes *Homage* of every Tenant, as he comes to the Land or Fee. *Glanv. lib. 9. cap. 1.* except Women, who perform not *Homage*, but by their Husbands, (yet *Fitz.* in his *Nat. Br.* fol. 157. says the contrary.) because *Homage* specially relates to service in War. He says also, That Consecrated Bishops do no *Homage*, but only Fealty; the reason may be all one; yet the Archbishop of *Canterbury* does *Homage* on his Knees to our Kings at their Coronation; and, I have read, that the Bishop of the Isle of Man is Homager to the Earl of *Derby*. *Fulbec* reconciles this, fol. 20. in these words; *By our Law a Religious Man may do Homage, but may not say to his Lord, Ego devenio homo vester, because he has professed himself to be only Gods Man; but, he may say, I do unto you Homage, and to you shall be faithful and loyal.* See *Britton*, cap. 68.

*Homage* is either new with the Fee, or *ancestral*. *Homage* is also used for the Jury in a Court Baron, because it commonly consists of such as owe *Homage* to the Lord of the Fee. This *Homage* is used in other Countries as well as ours, and was wont to be called *Hominum*. See *Horoman de verbis feud. verbo Homo*.

**Homage ancestral**, Is, where a Tenant holds his Land of his Lord by *Homage*, and the same Tenant and his Ancestors (whose Heir he is,) have holden the same Land of the same Lord and his Ancestors, whose Heir the Lord is, time out of memory of Man, by *Homage*, and have done them *Homage*; such service draws to it warranty from the Lord, &c. Thus *Littleton*. In this example here put (says Sir Edward Coke,) There must be a double prescription, both in the blood of the Lord and of the Tenant; and therefore, I think there is little or no Land at all at this day holden by *Homage ancestral*: Yet, I have been credibly informed, that in the Manor of *Whitney*, in *Herefordshire*, whose Lord is of the same name, and his Ancestors have continued there for many Ages; is one *Wist* a Tenant, who can perfectly prescribe to hold his Land of *Tho. Whitney Esq;* the present Lord thereof, by *Homage ancestral*.

**Homager**, (from the Fr. *Hommage*.) One that does, or is bound to do *Homage* to another.

ther. As the Bishop of the Isle of Man is said to be *Homager* to the Earl of Derby. See *Homage*.

**Homagis respectuando**, Was a Writ to the Escheator, commanding him to deliver Seisin of Lands to the Heir of full age, notwithstanding his *Homage* not done. *Fitz. Nat. Br. fol. 269.*

**Homesoken**, *Resid. Hamfoken*, & *Hamsoca*, (from the Sax. *Ham. i. Domus, Habitatio*, & *Jocne, Libertas, Immunitas*.) Is by *Bracton, lib. 3. tract. 2. cap. 23.* thus defined, *Homesoken dicitur invasio domus contra pacem domini Regis, vel insultus factus in domo extra pacem domini.* It appears by *Rassal*, that in ancient times some Men had an Immunity to do this. *Si quis Hamfocam violaverit, jure Anglorum Regi emendet 5 libr. LL. Canuti. cap. 39.* *Hamfoken est quod Prior tenebit Placita in Curia sua de his qui ingrediuntur domum vel Curiam alicujus ad litigandum vel furandum vel quicquid asportandum, vel aliquid aliud faciendum, contra voluntatem illius qui debet domum vel Curiam.* *Ex Reg. Priorat. de Cokesford.* See *Hamfoken*.

**Homicide**, (*Homicidium*.) Is the slaying of a Man, and it is divided into *voluntary* and *casual*. *Voluntary Homicide* is that, which is deliberated and committed of a set purpose to kill; *Casual* is done by chance, without any intention to kill. *Homicide voluntary* is either with precedent malice, or without; the former is Murder, and is the Felonious killing, through malice prepened, of any person living in this Realm under the Kings protection. *West, par. 2. Symb. tit. Indictments, Sect. 37. usque ad 51.* where you may see divers Subdivisions of this matter. See also *Glanvil, lib. 14. cap. 3.* and *Coke on Littl. lib. 3. cap. 8.* See *Murther, Manslaughter* and *Chance-medley*.

**Hominatio**. *Domelday, tit. Northampton. Sochmanni de Risden*—*Idcirco Episcopus clamat hominationem eorum.* It signifies the mustering of Men, according to Mr. Tate in MS. Also the doing of Homage.

**Homine eligendo ad custodiendam pacem sigilli pro mercatoribus ædifici**, Is a Writ directed to a Corporation, for the choice of a new Man to keep one part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Acton Burnel. Reg. of Writs, fol. 178. a.*

**Homine replegiando**, Is a Writ for the Bailing a Man out of Prison. In what cases it lies, see *Fitz. Nat. Br. fol. 66.* And *Reg. of Writs, fol. 77.*

**Homine capto in Wiltthernamium**, Is a Writ to take him that has taken any Bondman or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law, *Reg. of Writs, fol. 79. a.* See *Wiltthernam*.

**Homiplagium**, Is used in the Laws of *Hen. 1. cap. 80.* for the maiming a Man. *Si quis in domo vel Curia Regis fecerit Homicidium vel Homiplagium.*

**Hond-habend**, (from the Sax. *Hond, Hand*, and *Habens, having*.) Signifies a circumstance of manifest Theft, when one is deprehended with the *Mainor* or *Mainover*. *i. The thing stoln in his hand. Bract. lib. 3. Tract. 2. cap. 8. 32 & 35.* who also uses *Handberend* in the same sense, *sc. Latro manifestus.* See *Handkabend*.

**Hond-peny**. — *Et sint quieti de chevagio, Hond-peny, Buckfall & Tristris & de omnibus misericordiis, &c. Privileg. de Semplingham. Quere.*

**Honor**, Is, besides the general signification, used especially for the more noble sort of *Seigniories*, whereof other inferior Lordships or Mannors depend, by performance of some Customs or Services to those who are Lords of them. (Though anciently *Honor* and *Baronia* signifi'd the same thing.) *Uri Manerium plurimum gaudet (interdum feodis, sed plerumque) tenementis, consuetudinibus, serviciis, &c.* *Ita Honor plurima complectitur Maneria, plurima feoda militaria, plurima Regalia, &c. dictus etiam olim est Beneficium seu Feodum Regale, tentusq; semper à Rege in Capite.* *Spel.* The manner of creating these Honors by Act of Parliament, may in part be gathered out of the Statute *33 H. 8. cap. 37, 38.* where *Amptbil, Grafton* and *Hampton-Court*, are made Honors. And, by *37 Hen. 8. cap. 18.* the King is empowered by Letters-patent, to erect four several Honors, viz. *Westminster, Kingston upon Hull, St. Osyth and Donnington*, and as many other Honors as he will. In reading several approved Authors and Records, I have observed these following to have been likewise Honors, viz. *The Honors of Wigmore, Lancaster, Aquila, (formerly Pevensey), Clare, Tickhil, Wallingford, Nottingham, Bolaine, West and East Greenwich, Bedford, Berkhamstead, Plimpton, Cretecur, Haganet, Windsor, Beaulieu, Peverel, Skipton, Wirmgay, Clun, Raleigh, Montgomery, Huntendon in Herefordshire, Eye, Baynards-Castle, Gloucester, Arundel, Tremanton, Richards Castle, Christ-Church, Hevenyngbam, Cockermouth, Bullingbroke, Stafford, Barstable, Wierwelton in Yorkshire, Strigul, Torneys, Werk, Rot. Pipe 31 H. 2.) Cormayls, Caudicot, Theony, Oakhampton, (had 92 Knights Fees belonging to it,) Grentmesnil, Egremond, Oxford, Lincoln, Abergaveny, Dudley, Tamworth, Mowbray, Webley, Bononia, Middlebam, Hawerden-Castle, Dover-Castle, (Trin. 33 Edw. 1. Linc. 46.) Carabroke, (Est. 9 Edw. 1.) Clifford-Castle, Kingston, Folkingham, Leicester, Hinkley, Whitechurch, Hertford, Newelme, Chester, Lovetot, Pickering, Maidstone, Tuttebury, Warwick, Breckneck, Brember, Halton, Gowber, for John de Moubay in Edw. 3. wrote himself *Dominus Insule de Haxholm & de Honoribus de Gowber & Brember.* And, in a Charter of *15 Hen. 3.* I find mention of the Honors of *Kaermardin, Cardigan* and *Glamorgan.**

*Sciatis communiter, me — accepisse in manu mea & defensione totum Honorem Ecclesie de Rameseic, &c. Charta. Gulielmi I. Abbati Ramef. Sect. 174. See Cam. Britan. fol. 315, 407, 594, & 690, &c. Inquis. 10 Edw. 2. Cokes 4 Inst. fol. 224. Mag. Charta, cap. 31. Reg. Orig. fol. 1.*

*Crompt.*



*Crompt. Jurif. fol. 115. Broke, tit. Tenure, num. 26, &c.* This word is used in the same signification in other Nations.

**Honour Courts**, Are Courts held within the Honours aforesaid, mentioned 33 Hen. 8. cap. 37. And 37 Ejsudem, cap. 18.

**Honorary Services**, (*Anno 12 Car. 2. cap. 29.*) Are such as are incident to the Tenure of Grand Serjeanty, and annexed commonly to some Honour or Grand Seignior.

**Hontougenethet**. — *Cum omnibus aliis libertatibus, tantummodo Hontougenethet mihi retento.* Carta Wil. Comitis Marecalli. In Mon. Angl. 1 Par. fol. 724. This should have been written Hontougenethet, and signifies a Thief, taken with Hontougenethet, i. Having the thing stolen in his Hand.

**Hordeum palmale**. *Hec indentura testatur, quod Rob. Beaufitz dedit — unam virgatam terre in Gillingham — redd. inde quolibet anno ad Festum S. Mich. quatuor Bussellos ordeï palmalis ferme juxta melius precium per duos denarios in Quarterio, &c.* Dat. 43 Edw. 3. penes Alington Paynter Arm. Doubtless this is incant of Beer-barly, which in Norfolk is called Sprat-barly, and Bartledore-barly, and in the Marches of Wales Cymridge; it being broader in the Ear, and more like a Hand, than the common Barly, which in old Deeds is called *Hordeum Quadragesinale*.

**Horn with Horn**, or **Horn under Horn**, (*Cornutum cum Cornuto*.) Is when there is Common per Cause de Vicinage; Intercommoning of Horned Beasts. *Constit. Rob. Dunelm. Episcopi, Anno 1276.*

**Hornagium**, Perhaps the same with *Horn-geld*, which see.

**Hornbeam-Hollengers**, Are Trees so called, that have usually been lopped, and are above Twenty Years growth, and therefore not Tythable. *Plowden, Casu. Soby, fol. 470.*

**Horngeld**, & **Hornete**, (from the Sax. *Horn*, *e mu* & *Geld*, *folutio*.) Signifies a Tax within the Forest, to be paid for Horned Beasts. *Crompt. Jurif. fol. 197.* And to be free of it, is a privilege granted by the King to such as he thinks good; *Quictum esse de omni collectione in Foresta de bestijs cornutis assensu.* 4 Inst. fol. 306. — *Et sint quieti de omnibus geldis, & Danegeldis, & Wodgeldis, & Senegeldis, & Horngeldis, &c.* Diploma. Hen. 3. Canonici & Monialibus de Semplingham. See *Subsidy*.

**Hors de son Fee**, (Fr. i. out of his Fee.) Is an Exception to avoid an Action brought for Rent, issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if the Defendant can prove the Land to be without the compass of his Fee, the Action falls. See *Distric* and *Broke, hoc titulo*.

**Hosellers**, (Fr. *Hosellers*.) *Anno 31 Edw. 3. cap. 2. Stat. 3.* Is used for Inn-keepers. In some old Books the word *Hofsters* occurs in the same

sense. And *Free Hofsters* were such as entertain'd Strangers gratis.

**Hospitalers**, (*Hospitalarii*.) Were a certain order of Religious Knights, so called, because they built an Hospital at Jerusalem, wherein Pilgrims were received: To these Pope Clement the Fifth transferred the Templers, which Order, by a Council held at Vienna, he suppressed, for their many and great misdemeanors. These Hospitalers were otherwise called Knights of S. John of Jerusalem, and are now thole we call the Knights of S. John of Malta. *Cassan. Gloria mundi, part 9. Consid. 5.* This Constitution was also obeyed in Edward the Second's time here in England, and confirmed by Parliament. *Walsingham's Hist. Edw. 2.* These are mentioned 13 Edw. 1. cap. 43. and 9 Hen. 3. cap. 37. They had many Privileges granted them by the Popes, as Immunity from payment of Tythes, &c. Their Lands and Goods were put into the Kings dispose by Stat. 32 Hen. 8. cap. 24. See *Mon. Angl. 2 part. fol. 489.*

**Holtagium**, — *Has terras ego & heredes mei acquietabimus erga Regem de Scutagio & Holtagio & omne auxilio præter auxilio Vicecom. & Præpositi Hundredi, &c.* Mon. Angl. 1 par. fol. 348. b.

**Holterium**, A Hoe, (Fr. *Holte*.) An Instrument used mostly by Gardiners, and well known — *Et sint quieti de Aratro & Holterio, & se-gibus secundis, seu colligendo, & homagio faci-endo de averijs, & de pannagio & salicher, & omnibus aliis consuetudinibus.* Carta Hamonis Mafsy.

**Horchpot**, (Fr. *Hochepot*.) A confused mingle-mangle of divers things jumbled or put together; so also of Lands of several Tenures. As, a Man seised of thirty Acres of Land in Fee, hath issue two Daughters, and gives with one of them ten Acres in Franc-marriage, and dies seised of the other twenty: Now, if she, that is thus married, will have any part of the twenty Acres, she must put her Lands given in Franc-marriage, in *Horchpot*, that is, she must refuse to take the sole Profits of the ten Acres, but suffer them to be mingled with the other twenty; to the end, an equal division may be made of the whole thirty, betwix her and her Sister; and thus, for her ten Acres, she shall have fifteen, otherwise her Sister will have the twenty Acres of which the Father died seised. *Littleton, fol. 55. Coke on Littl. lib. 3. cap. 12. fol. 119.*

**Housebold & Haybold**, — *Concessi etiam prædictis Burgensibus meis Housebold & Haybold in omnibus vescis.* — *Carta Hamonis Mafsy sine dat.* It seems to signify *Houseboot* and *Hedgeboot*. The same words also occur in *Mon. Ang. 2 par. fol. 633.*

**Housebote**,

**Houfe-bote**, (Compounded of *Houfe* and *Bote*, i. *Compensatio*.) Signifies *Estovers*, or an allowance of Timber, out of the Lords Wood, for the repair and upholding a Houfe or Tenement. *Houfebote* (fays *Coke on Litt. fol. 41. b.*) is twofold, viz. *Estoverium edificandi* & *ardendi*.

**Houfe-robbling**, or **Houfe-breaking**, (Sax. *Houf-bpice*.) Is the robbing a Man in fome part of his Houfe, or his Booth or Stall in any Fair or Market, and the Owner, or his Wife, Children or Servants being within the fame: This was Felony by 23 *Hen. 8. cap. 1.* and 3 *Edw. 6. cap. 9.* but now it is Felony, though none be within the Houfe, by 39 *Elix. cap. 15.* See *Burglary*, and *West, part. 2. Symb. tit. Indictments, sect. 67.*

**Hudegeld**, Significat *quietantiam transgressionis illate in servum transgredientem*. Supposed to be mistaken by *Fleta*, or mis-printed for *Hinegeld*; which see.

**Hue and Cry**, (*Hutesium* and *Clamor*, from the Fr. *Huer* and *Crier*, both signifying to shout, and cry out aloud.) Signifies a pursuit of one who hath committed Felony by the High-way; for if the Party robbed, or any in the Company of one murdered or robbed, come to the Constable of the next Town, and will him to raise *Hue and Cry*, or to pursue the Offender, describing the Party, and shewing, as near as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon; and if he be not found there, then to give the next Constable warning, and he the next, until the Offender be apprehended, or at least thus pursued to the Sea-side. Of this read *Bracton, lib. 3. tract. 2. cap. 5.* *Smith de Repub. Anglor. lib. 2. cap. 20.* And the Statutes 13 *Edw. 1.* of *Winchester, cap. 3.* — 28 *Edw. 3. cap. 11.* and 27 *Elix. cap. 13.*

The Normans had such a pursuit with a Cry after Offenders, as this is, which they called *Haro*, of which you may read the *Grand Customary, cap. 54.* *Hue* is used alone, *Anno 4 Edw. 1. Stat. 2.* In ancient Records this is called *Hutesium* & *Clamor*. See *Coke's 2 Part Instit. fol. 172.*

*Mandatum est Gulielmo de Haverbul Thesaurario Regis, quod Civitatem London capiat in manum Regis, eo quod Cives ejusdem Civitatis non Levaverunt Hutesium & Clamorem pro morte Magistri Guidonis de Aretio & aliorum interfectorum, secundum legem & consuetudinem Regni.* Rot. Claus. 30 H. 3. m. 5.

**Huers.** See *Conders.*

**Huiffiers.** See *Usher.*

**Hulm.** See *Holm.*

**Humagium.** — In *Ecclesiis*, in *decimis*, in *humagiis*, in *terrâ*, in *pratib.* Mon. Angl. 1 par. fol. 628 a.

**Hundred**, (*Hundredum, Centuria*.) Is a part of a Shire so called, either because, of old, each Hundred found 100 Fide-jussors of the King's Peace, or 100 able Men for his Wars. These were first ordain'd by King *Alfred*, the 29th King of the West-Saxons: *Aluredus Rex*, (fays *Lambert, verbo, Centuria*.) *ubi cum Guthruno daco fœdus*

*inierat, prudentissimum illud olim a Jethrone Moisi datum secutus consilium, Angliam primis in Sarrapias, Centurias & decurias, partitiis est. Sarrapias, Shyre, a Scypian, (quod partiti significat, nominavit, Centuriam, Hundred & Decuriam, Tothing five Tienmantale, i. Decemvirale Collegium appellavit; atq; iisdem nominibus vel hodie vocantur, &c.* This dividing Counties into Hundreds, for better Government, King *Alfred* brought from *Germany*; For there *Centa* or *Centena* is a Jurisdiction over an hundred Towns. This is the original of *Hundreds*, which still retain the name, but their Jurisdiction is devolved to the County Court, some few excepted, which have been by Privilege annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. This has been ever since the Stat. 14 *Edw. 3. Stat. 1. cap. 9.* whereby these *Hundred Courts*, formerly Farmed out by the Sheriff to other Men, were all, or the most part, reduced to the County Court, and so remain at present. So that where you read now of any *Hundred Courts*, you must know they are several Franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the *Hundred* refuse to do their Office. See *West, Part 1. Symbol. lib. 2. Sect. 288.* — *Ad Hundredum post Pascha, & ad proximum Hundredum post Festum St. Mich.* — Mon. Angl. 2 Par. fol. 293. a. The word *Hundredum* is sometimes used for an immunity or Privilege, whereby a Man is quit of *Hundred-peny*, or Customs due to the *Hundred*. See *Turn*, and *Ward*.

**Hundred-peny**, Hoc est, *quietantia pro denariis dandis, vel alius consuetudinibus faciendis Prepositis Hundredorum.* MS. in Bibl. Cotton. sub tit. *Vitellius. C. 9. fol. 220. b.* This is elsewhere called *Hundredteah*, as in *Carta Johannis Regis Egidio Episcopo Heref.* and recorded in *libro nigro Heref.*

**Hundreders**, (*Hundredarii*.) Are Men impanel'd, or fit to be impanel'd, of a Jury, upon any Controversie, dwelling within the *Hundred*, where the Land in question lies. *Crompt. Jur. fol. 217.* *Anno 35 Hen. 8. cap. 6.* It also signifies him that has the Jurisdiction of an *Hundred*, and holds the *Hundred Court.* *Anno 13 Edw. 1. cap. 38.* — 9 *Edw. 2. Stat. 2. & 2 Edw. 3. cap. 4.* and 'tis sometimes used for the Bailiff of an *Hundred.* *Horns Mirror, lib. 1. ea. del Office del Coroner.*

**Hundred-lagh**, (from *Hundred*, and the Sax. *Laſa, i. Lex.*) Signifies the *Hundred Court*, from which all the Officers of the Kings Forreſt were freed, by the Charter of *Canutus, cap. 9.* *Manwood, Part 1. pa. 2.* See *Warſcor.*

**Hundred-peny.** — Est autem pecunia quam subsidii causa vicecomes olim exigebat ex singulis decuriis sui Comitatus, quas Tethingas Saxones appellabant; Sic ex Hundredis, Hundred-peny. Spel. Pence of the Hundred, Cam. Brit. fol. 223. collected by the Sheriff, or Lord of the Hundred, in oneri sui subsidium.



**Hundred-setena.** — *Et habeant Sacam & Sacam on Strond & on Streame, on mode & on felde, Grithbrice, Hundred-setena, Adas & Ordalas, &c.* Carta Edgari Regis Monast. Glaston. Anno 12 Regni. Mon. Angl. 1. p. fol. 16. b. *Sæta* or *Setena*, in composition, signifies *Dwellers* or *Inhabitants*. — *Debent habere constitutionem Hundredi, quod Angli dicunt Hundred-seteni.* Text. Ross.

**Hurst.** (Sax. *Hyrst*.) A Wood, or Plump of Trees.

**Hutcarle.** (Sax.) A Domestick Servant, or one of the Family: Also the Domestick Gatherers of the Danes Tribute. The word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the use of *Hutscarles* one Mark of Silver. See *Kyles*.

**Hus & Hant.** *Quidam Henricus Pinck pap. captus per querimoniam Mercatorum Flandria & imprisonatus, offert Domino Regi Hus & Hant in plegio ad standum recto, & ad respondendum predictis mercatoribus & omnibus aliis, qui versus eum loqui voluerint. Et diversi veniunt qui mancipiunt quod dictus H. P. per Hus & Hant veniet ad summonitionem Regis vel Concilii sui in Curia Regis apud Shepweye & quod stabit ibi recto, &c.* Placita coram Concilio Domini Regis, Anno 27. Hen. 3. rot. 9. *Quere, an non sit commune plegium, sicut Jo. Do. & Ric. Ro.* See 4 Inst. fol. 72.

**Huticans.** (Fr. *Houcau*.) A kind of Boot, or somewhat made of course Cloth, and worn over the Stocking, in stead of a Boot, a Buskin. It is mentioned in the Stat. 4 Edw. 4. cap. 7.

**Hustaline.** (from the Sax. *Huf. i. Domus, & Fast, Fixus, quasi domui fixus*.) Is he that holdeth House and Land. *Et in franco plegio esse debet omnis qui terram tenet & domum, qui dicuntur Hustaline, & etiam alii qui illis deserviunt, qui dicuntur folghures, &c.* Bracton, lib. 3. tract. 2. cap. 10. Some Authors corruptly write it *Hurderefest & Hurderefest*, rectius *Horderefest*, which see in *Glos. in decem Scriptores*.

**Husgailum.** — *Item tota illa terra que est inter dictam Aulam & venellam, que dicitur Swinergalle & de terra S. Petri, & vocata Peterbordland, & sunt ibi modo tria Tasta & quod reddit husgailum, aliter non geldabitur.* Inq. capt. apud Ebor. Anno 1273, in Registro vocat le *Whitebook*. It seems to signifie House-rent, or some Tax or Tribute laid upon Houses.

**Husseling people.** In a Petition from the Borough of *Leominster* to King *Edward the Sixth*; the Petitioners set forth, that in their Town, there were to the number of 2000 *Husseling people*, &c. that is, 2000 Communicants; For *Husel* in Saxon signifies the Holy Eucharist.

**Hustings.** (Hustingum, from the Sax. *Huf, Domus & Pinz, causa, quasi, Domus causarum*.) antiquissima & celeberrima Londoniarum Civitatis Curia suprema, the principal and highest Court in London. 11 Hen. 7. cap. 21. and 9 Edw. 1. cap. unico. Of the great antiquity of this Court, we find this Honourable mention in the Laws of King *Edward the Confessor*. — *Debet etiam*

in London, que est caput regni & legum, semper Curia Domini Regis singulis Septimanis Die Lunæ Hustings sedere & teneri; Fundata enim erat olim & edificata ad instar & ad modum & in memoriam veteris magnæ Trojæ, & usque in hodiernum diem leges, & jura & dignitates, libertates & regiasque consuetudines antiquæ magnæ Trojæ in se continet. — & Consuetudines suas una semper inviolabilitate conservat. See *Taylor's Hist. of Gavelkind*, p. 55. This Court is held before the Mayor and Aldermen of London: Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as appears by *Fitz. Nat. Br. fol. 23*. Other Cities and Towns also have had a Court of the same name, as *Winchester, Lincoln, York, Sheppey, &c.* where the Barons or Citizens have a Record of such things as are determinable before them: *Fleta, lib. 2. cap. 55; Stat. 16 Ed. 2. cap. unico.* See 4 Inst. fol. 247. and *Glos. in decem Scriptores*, on this word.

**Hutilan.** — *Terra quæta ab omni Hutilan & omni alia exactione, & dimidium acrant in T. que tantum Hutilan reddit.* Mon. Angl. vol. 1. fol. 586. b. q.

**Hide of Land.** See *Hide*.

**Hyde-gylt.** (Sax. *Hyd-gyld*.) A price or ransom paid to save ones Skin (from beating.) Also the same with *Hideage*. See *Hedgeld*.

**Hyth.** (Sax.) A Port, Wharf, or (little) Haven, to embark, or Land, Wares at, as *Queen-hythe, Lamb-hythe*, now *Lambeth, Maiden-hythe*, now *Maidenhead, &c.* New Book of Entries, fol. 3. — *De tota medietate Hythæ sue apud Hendeley, cum libris introitu & exitu, &c.* Mon. Angl. 2 Par. fol. 142. n. 40.

## I.

**Jack.** (olim *Wambasium*.) erat tunica, quod non ferro solido, sed tunica plurimo lino intexta muniebatur; A kind of defensive Coat worn by Horsemen in War, which some by tenure were bound to find upon any Invasion. See *Hideage*.

**Jactivus, & Jectivus.** (Lat.) He that lo- seth by default. *Placitum suum neglexerit & Jactivus exinde remansit.* Formul. Solen 159.

**Jamaica.** Is one of the American Islands, lying on the South of Cuba; Its length from East to West about 50 Leagues, and breadth 20, the middle of it under the 18th degree of Northern Latitude. It was taken from the Spaniard by the English, in the year 1655, and is mentioned in the Stat. 15 Car. 2. cap. 5.

**Jamaica-wood.** (mentioned 15 Car. 2. ca. 5.) Is a kind of speckled or fine grain'd Wood, of which Cabinets are made; called, in *Jamaica, Granadillo*; The Tree is low and small, seldom bigger than a Man's Leg.

**Jampnum.** Furze, or Gorse, and Gorty-Ground. *P. Croke, f. 179. v. 1. Hist. f. 5. a.* A word much used in Fines; and seems to be taken from the

Fr. *Faulne*, i. Yellow; because the Blossoms of Furze, or Gols, are so. Yet Sir *Edw. Coke on Litt. pa. 5.* says, *Fampna* signifies a waterish place. *Quere.* See *Faun*.

*Jarr*, (Span. *Jarro*, i. An Earthen Pot,) with us it is taken for an Earthen Pot, or Vessel of Oyl, containing twenty Gallons.

*Jarrook*, (Anno 1 *Rich. 3. cap. 8.*) Is a kind of Cork, or other Ingredient, which this Statute prohibits Diers to use in dying Cloth.

*Jaun*, (Fr. *Faulne*, i. Yellow colour,) *Præterea concedit Abbati & Cono. & hominibus eorum de Stanbal de se & de heredibus suis colligere Jaun & Feugere, Bruere & Genestam per terram suam sine impedimento, &c.* Carta Wil. de Bray, sine dat. — Doubtless here *Jaun* is used for Furze or Gorse, which we now in Law-Latin call *Fanipnum*. And anciently *Jaunum*, as — *Decimas illius Jauni in Dunbeved.* Pl. Affis. 22. Hen. 3.

*Idemitate nominis*, Is a Writ that lies for him, who is taken upon a *Capias* or *Exigent*, and committed to Prison, for another Man of the same name; whereof see the form and further use in *Fitz. Nat. Br. fol. 267.* and *Reg. of Writs, fol. 194.* *Indemnitatem nominis* maintainable by Executors, &c. Anno 9 Hen. 6. cap. 4.

*Ides*, (*Idus*.) Eight days in every month, so called: In *March, May, July* and *October*, these Eight days begin at the Eighth day of the month, and continue to the fifteenth; in other months they begin at the sixth day, and continue to the thirteenth: Note, that the last day only is called *Ides*, and the first of these days, the eighth *Ides*, the second, the seventh *Ides*, that is, the eighth or seventh day before the *Ides*, and so of the rest. Therefore when we speak of the *Ides* of such a month in general, it is to be understood of the 15th or 13th day of that month. See *Calends*.

*Idiot*, Is a Greek word, properly signifying a private Man, who has no publick Office: Among the Latins it is taken for *illiteratus, imperitus*; and in our Law for *non compos mentis*, vulgarly, a natural Fool. The words of the Statute, (17 *Edw. 2. cap. 9.*) are *Rex habebit Custodiam terrarum saniorum naturalium* — Whereby it appears he must be a natural Fool, that is, a Fool a *Nativitate*; For if he were once wise, and became a Fool by chance, or misfortune, the King shall not have the custody of him. *Stam. Prærog. cap. 9. Fitz. Nat. Br. fol. 232.* If one have so much understanding as to measure a Yard of Cloth, number 20 pence, or rightly name the days of a week, or beget a Child, he shall not be accounted an *Idiot*, or natural Fool, by the Laws of the Realm. See *Coke's 4. Rep. Beverly's Case*.

*Idiota inquirenda vel examinanda*, Is a Writ directed to the Escheator or Sheriff of any County, (where the King hath notice of an *Idiot*, naturally born so weak of understanding, that he cannot manage his Inheritance,) to call before him the Party suspected of Idiocy, and examine him, and to enquire, by the Oaths of Twelve Men, whether he be sufficiently witted

to dispose of his own Lands, with Discretion, or not, and to certify accordingly into Chancery? For the King hath, by his Prerogative, the Protection of his Subjects, and the Government of their Lands and Substance, who are naturally defective in their discretion. *Stat. 17 Edw. 2. cap. 9. Reg. of Writs, fol. 267.*

*Idemena*. Item quod nullus manuteneat nec ducat *Idemes* nec gentes vocatas *Idlemen*, nisi in *Marchis suis propriis.* Pat. 5. *Edw. 3. pag. 1. m. 25.*

*Ideman*, Sometimes used for *Yeoman*. *Sciatis quod ego Johannes Smith de Bromyard in Com. Heref. Ideman dedi — Ricardo Wiggemore Arm. omnia terr. & Tenementa, &c.* Dat. 10. Jan. Anno 9 Hen. 6. This in Dutch signifies *aliquis*.

*Idetaille*, Is a corruption from the Fr. *J'ay faille*, i. *Ego lapsus sum*, and signifies an oversight in Pleading, or other Law Proceedings. And by the *Stat. 32 Hen. 8. cap. 30.* it is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a *Jeofail* in the Pleading, yet Judgment shall be given, according to the Verdict. See *Broke tit. Repleader*. A *Jeofail* is, when the Parties to a Sute have proceeded to Issue, and this Pleading or Issue is so baldly pleaded or joined, or the Proceedings so defective, that it will be Error if they proceed. Then some of the said Parties might, by their Council, shew it to the Court, which occasioned many delays in Sutes; for redress whereof, the foresaid Statute, with others in *Queen Elizabeth's* and *King James's* Reigns, were made; and yet the fault not much amended.

*Jeelen, Jetzon, and Jorlon*, (from the Fr. *jetter*, i. *ejicere*.) Is any thing cast out of a Ship, being in danger of Wreck, and driven to the Shore by the Waves. See *Flotson*.

*Jews*. (*Judei*) See *Judaism*. Anciently we had a Court of Justice assigned for the Government of the Jews. See 4 *Inst. fol. 254.* *Rex — Vic. Wigorn. salutem. Præcipimus tibi, quod clamari & observari facias per totam Baliviam tuam, quod omnes Judæi deferant in superiori indumento suo ubicunque ambulaverint vel equitaverint, infra villam vel extra, quasi duas tabulas albas in pectore factas de lineo panno vel de pergamento; ita quod per hujusmodi signum manifeste possint Judæi a Christianis discerni.* T. *Comite apud Oxon. 30 Martii.* Claus. 2 Hen. 3. p. 1. m. 10. in Dorso.

*Ignitegium*. See *Curfeu*.

*Ignoramus*, (i. We are ignorant.) Is properly written on the Bill of Indictments by the Grand Enquest, empanelled on the Inquisition of Causes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which word so written is, that all farther Enquiry, upon that Party, for that fault, is thereby stopped, and he delivered without farther Answer: It hath a resemblance with that custom of the ancient Romans, where the Judges, when they absolved a Person accused, wrote *A.* upon



upon a little Table, provided for that purpose, *i. Absolvimus*. If they judged him guilty, they wrote *C. i. Condemnamus*. If they found the Cause difficult, and doubtful, they wrote *N. L. i. Non Liqueat*.

**Ikkenildstreet**, (*Stratum Icenorum*,) Is one of the four famous Ways which the Romans made in *England*, taking Name *Ab Icenis*, who were the Inhabitants of *Norfolk*, *Suffolk*, and *Cambridgeshires*. *Cam. Brit. fol. 343*. See *Watlingstreet*, and *LL. Edwardi Confess. cap. 12*.

**Illeivable**, That ought not, or may not, be levied. As *Nihil* is a word set upon a Debt *Illeivable*.

**Imbargo**, (*Span.*) A stop or stay, commonly upon Ships by publick Authority. *Anno 18 Car. 2. cap. 5*.

**Imbezle or Imbesil**. To steal, pilfer, or purloyn. Mentioned *Anno 14 Car. 2. cap. 31*.

**Imbracery**. See *Embracery*.

**Imbreviate**, (*Stat. 37. Edw. 3. 4.*) *imbreviare*: In *Schedulam* (quod *breve* vocant.) rem conscribere, redigere: *Scripto breviter mandare*.

**Impar lance**, (*interlocutio* or *interloquela*,) Is a Motion or Petition made in Court by the Tenant or Defendant, upon the Count of the Demandant, or Declaration of the Plaintiff; whereby he craves respite, or a farther day, to put in his Answer. See *Broke, tit. Continuance*. *Impar lance* is general or special: Special is with this Clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curie, quam Breve & Narrationem*. *Kitchin, fol. 200*. General is that which is made at large, without inserting that, or the like Clause. See *Empar lance*.

**Imparsonce**, As *Parson imparsonce* (*persona impersonata*,) Is he that is inducted, and in possession of a Benefice. *Dyer, (fol. 40. num. 72.)* says, a Dean and Chapter are *Persons imparsonces* of a Benefice appropriate to them.

**Impachment of Waste**, (*Impetio vasti*,) (From the *Fr. Empeschement*, *i. Impediment*,) Signifies a restraint from committing waste upon Lands or Tenements. See *Waste*.

**Impediata Canes**, Dogs that are lawed or expeditated. See *Canes opertiæ*.

**Impediens**, — *Hæc est finalis concordia facta in Curia Domini Regis apud West. in octabis Sancti Hillarii, Anno Regni Regis Henrici Filii Regis Johannis Septimo, coram Thoma de Multon, &c. Inter Willielmum de Mobum querentem & Will. Brewere impediens de Manerio de Clynton, &c. Et unde Placitum de Escambio faciendo summonit. fuit inter eos in eadem Curia, &c. Where Impediens seems to be used for Defendentem or Deforcientem*.

**Impescatus**, Impeached, accused, — *Burgenses & Piscatores Civitatis nostre London, super illicitis negotiationibus, &c. calumpniati essent coram nobis & impescati*. *Pat. 18. Edw. 1. p. 1. m. 15. intus*.

**Impetitio**, Accusation or Impeachment. As *sine impetitione vasti*, or *sine impedimento vasti*, *i.*

without Impeachment of waste; the Party shall not be questioned or accused for any waste.

**Impetration**, (*Impetratio*,) An obtaining by Request and Prayer. It is used in our Statutes for the Pre-obtaining of Benefices and Church-Offices in *England*, from the Court of *Rome*, which did belong to the Gift and Disposition of our Lord the King, and other Lay Patrons of this Realm. The penalty whereof was the same with *Provisors*. *25 Edw. 3. See 38 Edw. 3. Stat. 2. cap. 1*.

**Impierment**, (*Anno 23 Hen. 8. cap. 9.*) Signifies as much as Impairing or Prejudicing: For the Words of the Statute are—*To the impierment and diminution of their good name*.

**Implements** (from *impleo*, to fill up,) Are such things as tend to the necessary use of any Trade, or Furniture of an House.

**Implead**, (from the *Fr. Plaidier*,) To sue, arrest, or prosecute by course of Law.

**Impoit**, (*Fr.*) Tribute, Tallage, or Custom; but more particularly it is that Tax which the King receives for such Merchandises as are imported into any Haven, from other Nations. *31 Eliz. cap. 5*. And it may be distinguished from *Custom*, which is rather that profit which the King raises from Wares exported; but they are sometimes confounded.

**Imprimery**, (*Fr.*) a Print, Impression; Also the Art of Printing, or a Printing-house. *Anno 14 Car. 2. cap. 33*.

**Impropriation**, (of which, there are reckoned in *England* 3845.) Is properly so called, when it is in the hands of a Lay-Man; And *Appropriation*, when in the hands of a Bishop, College, or Religious House, though sometimes they are confounded. See *Appropriation*.

**Improvement**. See *Approve*.

**In alto & imo**, The same with *Alto & basso*.

**Inboih and Dut-boih**. (*Sax.*) *Vide Camd. Britan. in Octadinis: Ubi Patricium Comitem Dunbarrensem, ævo Hon. tertii, Inboihow & Dut-boihow inter Angliam & Scotiam appellat, i. (si fas sit a doctissimi viri sententia recedere,) fidejussorem omnium ex uno in alterum regnum isor facientium, sive inter utraque regna viatorum. Simile habes in S. C. de Monticulis Wallie, inter LL. Saxonicas, cap. 6. Sax. Dict.*

**In casu consimili**, Is a Writ. See *Casu consimili*.

**In casu proviso**, Is another. See *Casu proviso*.

**Incchanter**, (*Incantator*,) Is he or she, *Qui carminibus vel cantuunculis demonem adjurat*. They were anciently called *Carmina*, because, in those days, their Charms were in Verse. *3 Par. Inst. fol. 44*.

**Incident**, (*incidens*,) Signifies a thing appertaining to, or following, another, that is more worthy or principal. As a Court Baron is so incident to a Mannor, and a Court of Pie-Powders to a Fair, that they cannot be severed by Grant. *Kitchin, fol. 36. See Coke on Litt. fol. 151. b.*

**Incurement**

**Incrementum.** — *Dedi J. B. quoddam incrementum terre mee apud D. &c.* by which is meant a parcel of Land inclosed out of Common or Waste Ground.

**Incroche.** — Admirals and their Deputies do Incroche to themselves others Jurisdictions, &c. Anno 13 Rich. 2. cap. 3. See *Encroachments*.

**Incumbent.** (from *incumbo*, i. to endeavour earnestly,) Is a Clerk who is resident on his Benefice with Cure. *Coke on Litt. fol. 119. b.* And is so called, because he does, or ought to, bend all his Study to the discharge of the Cure. 10 Hen. 6. 7. And 1 & 2 Phil. & Ma. cap. 17.

**Incurrence.** Is used in *Rot. Vasc.* 17 Edw. 1. M. 13. in a not much different sense.

**Indecimable.** (*Indecimabilis*.) That is not tythable, or ought not (by Law) to pay Tythe. 2 *Part. Inst.* fol. 490.

**Indefensible.** That cannot be defeated, undone, or made void: As, *A good and indefensible estate, &c.*

**Indefensus.** One that is impleaded, and refused to answer. *Et predictus Judex nihil sciens dicere contra sectam dicti Ricardi, nec voluit ponere se in Inquisitionem aliquam. Consideratum est, quod tanquam indefensus, sit in misericordia, &c.* Communia de Mich. 30 Hen. 3. Rot. 4. intus.

**Indemnities.** — When a Church is appropriated to an Abby or College, then the Archdeacon for ever loseth his Induction-Money, in recompence whereof, he shall have yearly out of the Church so appropriated xii. d. or ii. s. more or less, for a yearly Pension, as it is agreed at the time of the appropriating; And his Payments are called *Pensions* or *Indemnities*. MS. in *Bibl. Cott.* (*sub effigie Cleopatrae F. 1.*) fol. 84. a.

**Indenture.** (*Indentura*.) Is a Writing comprising some Contract, Conveyance, or Covenant, between two or more, and being indented in the top answerable to another part which hath the same Contents, it thence takes name; and differs from a *Deed Poll*, which is a single Deed unindented. *Coke on Litt. fol. 229.* I have seen a Deed of Agreement, (*tempore Ed. 1.*) concluding thus, *In cuius rei testimonium alterius scripto in medio inciso Sigillum suum apposuit.* The *Civilians* define an Indenture to be *Scriptura inter creditorem & debitorem indentata, &c.*

**Indicavit.** Is a Writ or Prohibition that lies for a Parson of a Church, whose Clerk is Defendant in Court Christian, in an Action of Tythes, commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tythes belonging to it: For in this Case, the Sure belongs to the Kings Court, by the Statute of *Westm. 2. cap. 5.* Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowzen, if the Plaintiff obtain in the Court Christian, hath this means to remove it to the Kings Court.

*Reg. of Writs, fol. 35. b. and Britton, cap. 109.*

**Indiction.** (*indictio, ab indicendo*.) The space of fifteen years, by which account Charters and publick Writings were dated at *Rome*, and anciently in *England* too, every year still increasing one, till it come to fifteen, and then returning to one again; which account of time began at the dismission of the *Nicen Council*, Anno 312.

— *Facta sunt hec Anno Dominice Nativitatis 964. Indictione 8. Regni vero Eadgari Anglorum Regis sexto. Carta Eadgari Regis Oswaldo Episcopo Werceastre.* And a Charter of King H. 3. dated *apud Cipeham, 18 die April. Indictione nona, Anno Domini 1266.*

**Inditor.** He that indicteth another Man for any offence. Stat. 1 Edw. 3. cap. 11. And *Inditee*, he that is so indicted. Anno 21 Jac. cap. 8.

**Indited.** (*Indictus*.) When any one is accused by Bill or Declaration, and preferred to Juries, at the Kings Sure, for some offence, either Criminal or Penal, he is said to be *indited* thereof. — *Item utimur quod si aliquis Comburensium nostrorum sit indictatus semel bis vel ter, aut pluries in aliquo casu Coronæ Non obstante quod non sit convictus, inveniet sufficientem securitatem de benegerendo se erga Balivos, &c.* Quia dicitur in *Communium Lege*, quod tales sunt reprobari & arrecti, & per Leges & Consuetudines dicti Burgi, tales non sunt accepti ad Placita, nec ad Judicium inter nos dandum, quia exeunt a Conditionibus nostris. MS. Codex de LL. Statutis & Consuetud. Burgi Villæ Mountgomer. à temp. Hen. 2. fol. 16.

**Indivement.** See *Enditement*.

**Indivisum.** Is used for that which two hold in Common without Partition. *Kitchin, fol. 241.* in these words, *He holds pro indiviso, &c.*

**Indorsed.** (*Indorsatus*.) Signifies any thing written on the backside of a Deed, as a Condition endorsed on the backside of an Obligation; the Sealed and delivered, &c. on the back of an Indenture, is called the *Indorsement*.

**Induction.** (*Inductio*.) A leading into. It is most commonly taken for the giving an Incumbent Livery and Seisin (as it were) of his Church, by leading him into it, and delivering him the Keys of it, by the Archdeacon or Bishops Deputy, and by his ringing one of the Bells. See 3. *Part. Crokes Rep.* fol. 258.

**In esse.** (*Anno 21 Jac. cap. 2.*) It being. Philosophers contra-distinguish things in *Esse*, from things in *Posse*, or in *Potentia*. As, a Child before he is born, or even conceived, is a thing in *Posse*, or which may be: After he is born, he is said to be in *Esse*, or Actual being.

**Infangthef.** *Infang-theof*, or *Infangenethof*, (from the Sax. *fansan, capere*.) Signifies, in the old Saxon, *Latrouem infra captum*, i. Taken within the Mannor or Liberty of any Man, having Jurisdiction, granted by the King, to try such Thief within his Fee. Anno 1 & 2 Phil. & Ma. cap. 15. A Charter of Henry the First to S. Benedic Rome, and S. Ivo, the Archbishop, hath these words, — *Cum saka & saca*



*Et cum Tol, Et Theam, Et cum infra capto fure—*  
In the Laws of S. Edward the Confess. cap. 26.  
Thus, *Qui habet Sacam Et Socam, Tbol Et Theam,*  
*Et Infangthef, justitia cognoscens latronis sua est,*  
*de homine suo, si captus fuerit super terram suam,*  
*Et. Infangthef, i. Quod latrones capti in Do-*  
*minio vel feodo Prioris, Et de latrociniis convicti*  
*in Curia Domini Prioris judicentur Et ad furcas*  
*ejus suspendentur.* Ex Reg. Priorat. de Cokes-  
ford. See Bracton, lib. 3. tract. 2. cap. 35. who  
says, (inter al.) *Et dicitur Infangthet latro cap-*  
*tus in terra alicujus, de hominibus suis propriis, sei-*  
*situs latrocinio. Infangthete vero dicitur latro*  
*extraneus, veniens aliunde de terra aliena, Et qui*  
*captus fuit in terra ipsius qui tales habet liberta-*  
*tes, Et.* See also Sir Hen. Spelman's learned  
Glossarium.

**In forma pauperis,** Is when any Man, who  
hath just cause of Sute in Chancery, (certified un-  
der Councils Hand,) and will make Affidavit,  
that he is not worth Five Pounds, his Debts be-  
ing paid, then upon a Petition to the Master of  
the Rolls, he shall be admitted to sue *In forma*  
*pauperis*, and shall have Council, and Clerks af-  
signed him, without paying Fees, and the like  
by the Judges of other Courts.

**Information for the King,** (*Informatio pro*  
*Rege,*) Is that, which, for a common person we  
call a Declaration, and is not always preferred  
directly by the King or his Attorney; but also  
by some other person, who prosecutes, as well  
for the King, as for himself, upon the breach  
of some Penal Law or Statute, wherein a pe-  
nalty is given to the party that will sue for the  
same, and may either be by Action of Debt or  
Information.

**Informatus non sum, or Non-sum infoz-**  
**matus,** Is a Formal Answer made of course  
by an Attorney, who is not instructed to say  
any thing material, in defence of his Clients  
cause, by which he is deemed to leave it un-  
defended, and so Judgment passeth against his  
Client. See the New Book of Entries, verbo,  
*Non sum informatus.*

**Informet,** (*Informator,*) Is one, who informs  
or prosecutes in the Exchequer, Kings Bench, or  
Common Pleas, Assises, or Sessions, against those  
that offend or break any Laws, or Penal Sta-  
tutes: And are sometimes called *Promoters*; by  
the *Civilians*, *Delatores.*

**Ingressu,** Is a Writ of Entry, whereby a  
Man seeks Entry into Lands or Tenements, and  
lies in divers Cases, wherein it hath as many  
diversities of Forms. See Entry. This Writ  
is also called in particular *Præcipe quod reddat*,  
because those are formal words in all Writs of  
Entry.

**De Ingressu sine assensu Capituli, &c.**  
(*Reg. of Writs, fol. 230.*) Is a Writ given by the  
Common Law to the Successor of him, who  
alienated *Sine assensu capituli, &c.* And is so  
called from those words contained in the Writ.  
Coke on Littl. fol. 325. b.

**Ingrossator magni Rotuli.** See Clerk of  
the Pipe.

**In gross,** Is that which belongs to the per-  
son of the Lord, and not to any Mannor, Lands,  
&c. As Villain in grosse, *Adomgen in gross, &c.*  
Coke on Littl. fol. 120. b.

**Ingrossing of a Fine,** Is making the Inden-  
tures by the Chirographer, and the delivery of  
them to the party to whom the Cognisance is  
made. Fitz. Nat. Br. fol. 147. A.

**Ingrosser,** (*Ingrossator,*) Is one that buys  
Corn growing, or dead Victuals to sell again,  
except Barley for Malt, Oats for Oat-meal, or  
Victual to Retail; Badging by Licence and buy-  
ing of Oyls, Spices and Victuals, other than  
Fish or Salt. Anno 5 Edw. 6. cap. 14.—5 Eliz.  
cap. 14. — 13 Eliz. cap. 25. These are the  
words of *West's Symbol. par. 2. tit. Indictments,*  
sect. 64. But this definition rather belongs to  
*unlawful ingrossing*, than to the word in general.  
See *Forester*, and 3 *Part. Inst.* fol. 195.

**Ingrosser,** Is also a Clerk that Writes Records  
or Instruments of Law in Skins of Parchment;  
as in Henry the Sixth's time, He, who is now  
called Clerk of the Pipe, was called *Ingrossator*  
*Magni Rotuli*, and the Comptroller of the Pipe  
was called *Duplex Ingrossator.* Spel.

**Inheritance,** (*Hereditas,*) Is a perpetuity in  
Lands or Tenements to a Man and his Heirs:  
For *Littleton, lib. 1. cap. 1.* saith, this word is  
not only understood, where a Man hath *Inheri-*  
*tance* of Lands and Tenements by descent of he-  
ritage; but also every Fee-simple or Fee-tail  
that a Man hath by his purchase may be called  
*Inheritance*, because his Heirs may inherit him.  
*Several Inheritance* is that, which two or more  
hold severally, as if two Men have Land given  
to them, and the Heirs of their two Bodies,  
these have Joynt Estate during their Lives, but  
their Heirs have *several inheritance.* *Kitchin,*  
fol. 155. A Man may have an *Inheritance* in  
Title of Nobility, three manner of ways. 1. By  
Creation. 2. By Descent. And 3. by Pre-  
scription.

**Inhibition,** (*Inhibitio,*) Is a Writ to forbid  
a Judge from farther proceeding in the Cause  
depending before him. See *Fitz. Nat. Br. fol.*  
*39.* where he confounds *Inhibition* and *Prohibi-*  
*tion.* But *Inhibition* is most commonly a Writ  
issuing out of a higher Court Christian to an  
inferior, upon an Appeal. Anno 24 Hen. 8. cap.  
12. and 15 Car. 2. cap. 9. And *Prohibition*, out  
of the Kings Court, to a Court Christian, or an  
Inferior Temporal Court.

**Injunction,** (*Injunctio,*) Is a Writ grounded  
upon an Interlocutory Order of the Chancery;  
sometimes to give possession to the Plaintiff, for  
want of appearance in the Defendant; some-  
times to the Kings Ordinary Court, and some-  
times to the Court Christian, to stay proceed-  
ing in a Cause, upon suggestion made, that the  
rigor of the Law, if it take place, is against  
Equity and Conscience in that case. See *West.*  
*Par. 2. Symbol. tit. Proceedings in Chancery,*  
sect. 25.

**Inwardus,** (*Inwardus,*) *Alii homines non ha-*  
*bentes integras magistras inveniebant Inwardos*  
ad

*ad Aulam, quando Rex erat in Civitate. Heref. Domeſday, tit. Heref.*

**Inlagary** or **Inlagation**, (*Inlagario*.) Is a reſtitution of one outlawed, to the Protection of the Law, or to the benefit or liberty of a Subject. From the Sax. *In-lagiam*, i. *Inlagare*. — *Et ex eo ſciſſum legio parocinis adeo capacem reddat, ut ad compenſationem admittatur. LL. Canupi Reg. Par. 1. cap. 2.*

**Inlagh** or **Inlaughe**, (*Inlagatus*.) Signifies him that is (*sub lege*) in ſome Frank-pledge, not out-lawed, of whom, thus *Bracton*, tract. 2. lib. 33. cap. 11. *Femina utlagari non poteſt, quia ipſa non eſt ſub lege*, i. *Inlaughe*, anglice, ſcil. in Franco plegio, ſive decenna, ſicut maſculi 12 annorum vel amplius.

**Inland**, (*Inlandum*.) Terra dominicali, pars Manerii Dominici; terra interior vel inclufa; For that which was let out to Tenants was called **Utland**. In the Teſtament of *Brithericus*, in *Joinner. Kantii*; thus, to purſege þat **Inland** to **Elſeþe** þat **Utland**, i. *Legō terram Dominicales Wulfego, Tenementales Elſeþe*. Thus Engliſhed by *Lambert*, *To Wulfæ* (I give) the **Inland** of **Demeans**, and to **Elſep** the **Outland** of **Tenancy**. — *Ex dono Wil. de Eſſon 50<sup>a</sup> Acta de Inlanda ſua. Rot. Cart. 16 Hen. 3. m. 6.* This word is often found in *Domeſday*.

**Inleated**, (*Fr. Enlaſſe*.) Intangled or inſnared. The word is found in the *Champions Oath. 2 Part. Cokes Inſt. fol. 247.*

**Inmates**, Are thoſe that are admitted to dwell for their Money ſoyntly with another Man, though in ſeveral Rooms of his Manſion-Houſe, paſſing in and out by one door, and not being able to maintain themſelves; which are inquirable in a *Leet. Kitchin, fol. 45.* where you may find who are properly **Inmates** in **Intendment of Law**.

**Inns of Court**, (*Hospitii Curia*.) Are ſo called, becauſe the Students therein, do there not only ſtudy the Laws, but uſe ſuch other laudable Exerciſes, as may make them more ſerviceable to the Kings Court. *Forſeu, cap. 29.* Of theſe there are four well known, viz. The *Inn* Temple, *Middle Temple*, *Lincolns Inn*, and *Grays Inn*. Theſe, with the *Two Serjeants Inns*, and *Eight Inns of Chancery*, do altogether (to uſe *Sir Edward Cokes* words) make the moſt famous Univerſity, for Profeſſion of Law only, or of any one Humane Science, in the World. Of which, ſee *Mr. Dugdales Origines Juridicales* at large.

**Innoteſcimus**, Letters Patent ſo called, which are always of a Charter of Reſſiment, or ſome other Inſtrument, not of Record; and ſo called from the words in the Conclusion, *Innoteſcimus per preſentes*. An *Innoteſcimus* & *Vidimus* are all one. See *Pages Caſe*, 5 Rep.

**Innuendo**, (from *innuo*, to beck or nod with the Head, to ſignifie) a word uſed in Writs, Declarations, and Pleadings, and the Office of it is only to declare and aſcertain the perſon or thing, which was named or left doubtful before; as to ſay, he (*Innuendo*, the

Plaintiff,) is a Thief, when as there was mention before of another perſon. *Innuendo* may not enlarge the ſenſe of the Words, nor make a ſupply, or alter the Caſe where the Words are defective. *Huttons Rep. fol. 44.*

**Inpeny** and **Durpeny**. In the Register of the *Priory of Cokerford*, pag. 23. Thus, — *De Inpeny & Durpeny conſuetudo talis eſt in Villa de Eaſt Rudham de omnibus terris qua infra Bur-gagiam tenentur; viz. Quod ipſe, qui vendiderit vel dederit diſtictam tenuram alicui, dabit pro exitu ſuo de eadem tenuram unum denarium, & ſimile pro ingreſſu alterius. Et ſi predicti Denarii a retro fuerint, Ballivus domini diſtringet pro eiſdem denariis in eadem tenura.* — Theſe Words and **Cuſtom**, are alſo mentioned in the *Rolls* of a Court there held, about the Feaſt of the *Epiphany*, Anno 12 Rich. 3. *Spelm.*

**Inquirendo**, Is an Authority given to any perſon to enquire into ſomething for the Kings advantage; in what caſe it lies. See *Reg. of Writs*, fol. 72, 81, 124, 265.

**Inquiſition**, (*Inquiſitio*.) Is a manner of proceeding by way of ſearch or examination, in matters criminal, by the great Enqueſt before Juſtices in Eyre. It is alſo uſed in the Kings behalf in Temporal Cauſes and Profits, in which ſenſe it is confounded with *Office. Stanf. Pre-reg. fol. 51.*

**Inquiſitors**, (*Inquiſitores*.) Are Sheriffs, Coroners, *Super viſum Corporis*, or the like, who have power to enquire in certain Caſes. *Stat. of Marlbridge*, cap. 18. *Britton*, fol. 4. And in *Westm.* 1. *Enquirors* or *Inquiſitors* are included under the name of *Miniſtri*. 2 *Part. Inſt. fol. 211.*

**Intolment**, (*Irrotulatio*.) The Reſtiring, Recording, or Entering any lawful Act in the *Rolls* of the *Chancery*, *Exchequer*, *Kings-Bench*, or *Common Pleas*, in the *Huſtings* of *London*, or by the Clerk of the Peace in any County: Aſa Statute or Recognizance acknowledged, or a Deed of Purchase enrolled. Anno 27 Hen. 3. cap. 16. See *West*, part 2. *Symb. tit. Fines, ſect. 133.*

**Inſetena**, (*Sax.*) An *Inditch*. *Item ordinaverunt quod quelibet acra pro Wallis, Inſetenis & Watergorgin, emeretur pro 40 Sol.* *Ordinatio Romeniensis Marifci*, pag. 73.

**Inſidiatores viarum**, (*Way-layers*.) Are Words, which by the *Stat. 4 Hen. 4. cap. 2.* Are not to be put in *Indictments*, *Arraignments*, *Appeals*, &c.

**Inſinul tenuis**, Is one Species of the Writ of *Partition*. See *Formdon*.

**Inſinuation**, (*Anno 21 Hen. 8. cap. 5.*) A creeping into a Mans Mind or Favor, covertly. *Inſinuation of a Will*, is (among the *Civilians*.) the firſt Production of it, or the leaving it *Penes Regiſtrarium*, in order to its *Probat*.

**Inſperimus**, Letters Patent ſo called, and is the ſame with *Exemplification*, which begins thus *Rex — Omnibus — Inſperimus irrotulamentum quarundam literarum Patent. &c.* It is called *Inſperimus*, becauſe it begins, after the Kings Title, with this word *Inſperimus*. See *Pages Caſe*, 5 Rep.

**Inſtal-**



**Instalment,** (*Anno 20 Car. 1. cap. 2.*) A Settlement, Establishment, or sure placing in; sometimes it is confounded with *Abatement*.

**Instaurum,** Is used in ancient Deeds for a Stock of Cattle. *Item Manerium illud nullum potest sustinere Instaurum, quia nullum habet pratum.* Mon. Abgl. 1 par. fol. 348. b. We read also in the same sense *Stratum & Instauramentum*.

**Institution,** (*Institutio*.) Is when the Bishop lays to a Clerk, who is presented to a Church-Living, *Institutus et Rectorem salis Ecclesie, cum cura animarum, & accipe curam tuam & meam.* Every Rectory consists of a Spirituality, and a Temporality; as to the Spirituality, viz. *Cura animarum*, he is a compleat Parson by *Institution*; but as to the Temporalties, as Gleabland, &c. he has no Frank-tenement therein, till *Induction*. *Cokes 4 Rep. Digbies Case.* The first beginning of *Institutions* to Benefices, was in a National Synod held at *Westminster* by *John de Crema*, the Popes Legat, *Anno 1124.* which see in *Seldens Hist. of Tytles*, pag. 375.

**In super,** (*Anno 21 Jac. cap. 2.*) Is used by Auditors in their Accounts in the Exchequer; when they say so much remains *in super* such an Accountant, that is, so much is charged upon him, in his account.

**Incubers,** Were a kind of Thieves in *Ridedale*, and the furthest parts of the North of England, mentioned *9 Hen. 5. cap. 7.* So called, because they, dwelling in that liberty, did take in, and receive such Booties of Cartel and other things, as their Complices the *Outparvers* brought in to them, from the borders of Scotland. See *Outparvers*.

**Intendment of Law,** (*Fr. Entendement, intellectus*.) the Understanding, Judgment, Intention or true meaning of the Law. Regularly Judges ought to judge according to the common Intendment of Law. *Coke on Litt. fol. 78.*

**Inter canem & lupum** — *Margeria, filia Nicholai de Okele appellat Johannem Chose pro rapto & pace Regis fracta die Marti prox.*, &c. *inter canem & lupum*, i. *In crepusculo, scilicet Anglice twilight*, i. *Inter diem & noctem*, &c. *Inter Plac. de Trin. 7 Edw. 1. Rot. 12. Glouc.*

— *In Placito de dono combusta maliciose, hora vespertina, scilicet, inter canem & lupum, venerunt malefactores*, &c. *Plac. Cor. apud Novum Castrum 24 Ed. 1. Rot. 6.* This in *Herefordshire* they call the *Mock-shadow*, corruptly the *Muck-shade*; and in the North, *Day Lights Gate*; others, betwixt *Hawk and Buzzard*.

**Intercommoning,** Is, where the Commons of two Mannors lie contiguous, and the Inhabitants of both have, time out of mind, depastured their Cattel promiscuously in each of them.

**Interdiction,** (*Interdictio, & Interdictum*.) Has the same signification in the Common, as it hath in the Canon, Law, which thus defines it: *Interdictio est censura Ecclesiastica prohibens administrationem divinarum.* And so it is used *22 Hen. 8. cap. 12. & 25 ejusdem, cap. 20.* *Eodem Anno relaxatum est Interdictum Oxonie, quod autoritate Domini Joh. Episcopi Line. propter*

*Clericidium & sacrilegia Anno proximo praterito fuit illatum.* *Wall. Hist. Anno 1357.*

**Intervied of Water and Fire,** Were in old time those, who, for some time, were banished; by which Judgment, though it was not by express sentence pronounced, yet, by giving order, That no Man should receive them into his House, but deny them *Fire and Water*, (the two necessary Elements of Life,) they were condemned, as it were, to a Civil death; and this was called *Legitimum exilium*. *Livie.*

**Interest,** (*Interesse*.) Is vulgarly taken for a term or Chattel real, and more particularly for a future term; in which case it is said in pleading, that he is possessed *de interesse termini*. But *ex vi termini*, in legal understanding, it extends to Estates, Rights and Titles, that a Man hath of, in, to, or out of Lands; For, he is truly said to have an *Interest* in them. *Coke on Litt. fol. 345. b.*

**Interlocutory Order,** (*Ordo Interlocutorius*.) Is that which non definit controversiam, sed aliquid obiter, ad causam pertinenti, decernit. It is a decision of such incident and emergent Matters of Law as intervene betwixt the beginning and end of the Cause. *Lanc. Inst. Fieri Canon. l. 3. Tit. 13. Sect. 1.*

**Interpreter.** See *Enterpleder*.

**Intersure,** (*Fr. entrecuer*.) to put into a third Hand. In our ancient Saxon Laws it was used in the same sense, as we now do, *sequester*. *LL. Ina. MS. cap. 74.*

**Intestates,** (*Inestati*.) There are two kinds of them; one that makes no Will at all; another that makes a Will and Executors, and they refuse; in which case he dies *quasi intestatus*. *2 Pars Inst. fol. 397.*

**Intestie.** See *Enquiry*.

**Intrusion,** (*Intrusio*.) Is, when the Ancestor dies seiz'd of any Estate of Inheritance, expectant upon an Estate for life, and then Tenant for life dies, between whose death and the entry of the heir, a stranger does interpose himself and intrude. *Coke on Litt. fol. 277.* To the same effect is *Bracton, lib. 4. cap. 7.* *Intrusio est, ubi qui, cui nullum jus competit in re nec scintilla juris, possessionem vacuum ingreditur*, &c. See him at large, and *Fleta, lib. 4. cap. 30. Sect. 1 & 2. Britton, cap. 65.* See *Abatement, Entrusion*, and the *Stat. 21 Jac. cap. 14.*

**Intrusione,** Is a Writ that lies against the Intruder. *Regist. fol. 233.*

**Invasiones, Mortgages, or Pledges.** — *Confirmamus eis omnes alias donationes, vendiciones & invasiones eis rationabiliter factas.* *Mon. Angl. 1. pa. fol. 478. a.*

**Invidatus,** Is when one has been accused of some crime, which being not fully proved, he is put *sub debita fidejussione*.

**Inventarie,** (*Inventarium*.) Is a list or repository, orderly made, of all dead Mens Goods and Chattels, prized by four credible Men or more, which every Executor or Administrator ought to exhibit to the Ordinary, at such time as he shall appoint. *West, part 1. Symh. l. 2. f. 696.* where you may see the form. This *Inventary* proceeds from the Civil Law; for, whereas by the old Law of the

Romans,

Romans, the Heir was tied to answer all the Testators Debts, by which means Inheritances were prejudicial to many Men: *Justinian*, to encourage Men the better to take upon them this charitable Office, ordain'd, That if the Heir would first make and exhibit a true *Inventary* of all the Testators Substance coming to his hands, he should be no farther charged than to the full value of it. *Lib. ult. Cod. de Jure delib. berando.*

**In ventre sa mere**, (Fr.) In the Mothers Belly: Is a Writ mentioned in the Register of Writs, and in *Anno 12 Car. 2. cap. 24.*

**Invent**, (from the Fr. *Investier*;) Signifies to give possession. *Investitura proprie dicitur quando basta vel aliquod corporeum traditur a Domino*, says the *Feudist*, *lib. 2. tit. 2.* We use likewise to admit the Tenant, by delivering him a *Verge* or *Rod* into his hands, and ministring him an Oath, which is called *Investing*. Others define it thus, *Investitura est alicujus in suum jus introductio*, a giving *Livery* of seisin or possession. In the Church it was the custom of old for Princes to promote such as they liked to Ecclesiastical Benefices, and declare their Choice and the Promotion of the Persons chosen, by delivery of a Pastoral Staff and Ring, which was termed *Investing*; after which they were consecrated by Ecclesiastical Persons.

**Invoice**, (*12 Car. 2. cap. 34.*) Is a particular of the Value, Custom and Charges, of any Goods sent by a Merchant in another Man's Ship, and consign'd to a Factor or Correspondent in another Country.

**Inure**, Signifies to take effect, or be available; As the *Pardon inureth* — *Stat. Prærog. fol. 40.* See *Enure*.

**Jobber**, Is used for one that buys or sells Cattle for others. *Stat. 22. & 23 Car. 2.*

**Jocalia**, (Fr. *Joyau*;) Jewels. *Edward the First* employ'd one *Andevar*, *ad jocalia sua impignoranda*. *Claus. 29 Edw. 1.* — *Præterea considerantes gratiam subventionem quam præfati abbas & Monachi (Rading.) nobis fecerunt de magnis & præciosis Jocalibus ac aliis rebus suis in subsidium expensarum & sumptuum, quos circa præsens passagium nostrum versus partes transmarinas, &c. In mem. Scac. de Anno 20 Edw. 3. Trin. Rot. 3.*

**Jocarius**, a Jester. In a Deed of *Richard Abbat of Bernay*, to *Henry Lover*, *fine dat.* among the Witnesses to it, was *Willielmo tunc Jocio Domini Abbatis*. But in *Domesday* 'tis said *Berdie* was *Joculator Regis*, the King's Jester.

**Joclet**, (Sax.) *Prædium, agri colendi portuncula*: A little Farm or Mannor, in some parts of *Kent* a *Toklet*, as requiring but a small Yoke of Oxen to till it. *Sax. Dist.*

**Jocson**, See *Jessen & Florsen*.

**Joynder**, Is the coupling or joyning of two in a *Sute* or *Action* against another. *Fitz. Nat. Br. fol. 118.* and in other places, as appears in the Index, verbo *Joynder*.

**Joyntenants**, (*Simul tenentes, or qui conjunctim tenent*;) Are those that come to, and

hold, Lands or Tenements *joyntly* by one Title *pro indiviso*, or without partition. *Littleton, lib. 3. cap. 3.* And these *Joyntenants* must *joyntly* plead, and *joyntly* be impleaded by others, which properly is common between them and *Coparceners*, but *Joyntenants* have a sole quality of survivorship, which *Coparceners* have not. For if there be two or three *Joyntenants*, and one has Issue and dies, he or those *Joyntenants* that survive shall have the whole by survivorship. See *Coke on Litt. fol. 180.*

**Joyning of Issue**, (*Junctio exitis*;) See *Issue*.

**Joynture**, (*Junctura*;) Is a Covenant or Settlement, whereby the Husband assureth to his Wife, in respect of Marriage, Lands or Tenements for term of her Life, or otherwise. It is so called, either because it is granted *ratione Juncturae in matrimonio*; or because the Land in Frank-marriage is given *joyntly* to the Husband and Wife, and after to the Heirs of their Bodies, whereby the Husband and Wife are made *Joyntenants* during the Coverture. *Coke, lib. 3. Butler and Baker's Case.* *Joynture* is also used as the abstract of *Joyntenants*. *Coke, lib. 3. Marg. of Winchester's Case.*

**Journal**, (Fr.) A Diary, or Day-Book. *Journals of Parliament* are no Records, but Remembrances; they are not of necessity, nor have been of long continuance. See *Hob. Rep. fol. 109.*

**Journ-choppers**, (*Anno 8 Hen. 6. cap. 5.*) Were Regraters of *Tarn*. Whether that we now call *Tarn* was in those days called *Journ*, I cannot say; but *choppers* in these days are well known to be *changers*: As to *chop and change*, is a familiar Phrase. See *Chop-church*.

**Journymau**, (from the Fr. *Journee*, i. A day, or days work,) Was properly he that wrought with another by the day; though now by Statute it be extended to those likewise that covenant to work with another in their Occupation or Trade, by the year. *Anno 5 Eliz. cap. 4.*

**Are ad largum**, To go at large, to escape, to be set at liberty.

**Irregularity**, (*Irregularitas*;) Disorder, going out of Rule: In the Canon Law it is taken for an Impediment, which hinders a Man from taking *Holy Orders*; as if he be base-born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure anothers death, with divers other.

**Irrepleviable**, or **Irreplevisable**. That may not, or ought not, by Law, to be replevied, or set at large upon Sureties. The Distress shall remain irrepleviable. *Anno 13 Edw. 1. cap. 2.*

**Isinglas**, (*Ischyocolla*;) Is a kind of Fish-glue, or Fish-gum, brought from *Iceland* and those parts, and is used in Medicines, and by some in the adulteration of Wines, in which last use it is prohibited by *Stat. 12 Car. 2. cap. 25.*

**Issue**, (*Exitus*;) Hath divers applications; sometime being used for the Children begotten between a Man and his Wife; sometime for



Profits growing from Amercements or Fines; sometimes for Profits of Lands or Tenements, (*Westm. 2. Anno 13 Edw. 1. cap. 39.*) Sometime for that point of matter depending in Sute, whereon the Parties joyn, and put their Cause to the Trial of the Jury. And, in all these, it has but one signification, which is an effect of a Cause preceding; as Children are the effect of the Marriage; the Profits growing to the King or Lord from the punishment of any Man's Offence, is the effect of his Transgression; the point refer'd to 12 Men, is the effect of pleading or process. *Issue*, in this last signification, is either *general* or *special*.

*General Issue* seems to be that, whereby it is refer'd to the Jury to bring in their Verdict, whether the Defendant have done any such thing, as the Plaintiff lays to his charge: For example, If it be an Offence against any Statute, and the Defendant plead *not culpable*, this being put to the Jury is called the *General Issue*. See *Doctor and Student*, fol. 158. *b.* The *Special Issue* then must be that, where *special matter* being alledged by the Defendant, for his defence, both Parties joyn thereupon, and so grow either to a Demurrer, if it be *questio juris*, or to a Trial by the Jury, if it be *questio facti*. *Anno 4 Hen. 8. cap. 3.* See the *New Book of Entries*, verbo *Issue*, and 18 *Elix. cap. 12*.

*Itinerant*, (*Itinerans*, *i.* That takes a Journey.) Those were anciently called *Justices itinerant*, who were sent with Commission into divers Counties, to hear such Causes specially as were termed Pleas of the Crown; and the Journies themselves were called *Iters*. See *Justices in Eyre*.

*Judaism*, (*Judaismus*,) The Custom, Religion, or Rights of the Jews; also the Incom heretofore accruing to the King from the Jews; for we find in several Charters — *Judaismus nostrum Angliæ*. Also the Place or Street where the Jews live, as in *Hist. Oxon.* fol. 132. And *Vetus Judaismus*, for the Old *Jury* in London. This word was often used by the way of exception, in old Deeds; as *Seiant — Quod ego Rogerus de Morice dedi — Willielmo Harding pro tribus marcis argenti — unum crosum — Habend. de me & heredibus meis sibi & heredibus ejus vel ejus assignatis & eorum heredibus cuicumque, quocumque vel quandocumque dictum Crosum dare, vendere, legare, inviadare, vel aliquo modo assignare voluerint in quocumque statu fuerint, libere, quiete, integre, bene & in pace, excepta religione & Judaismo, &c. Sine dat.* The Stat. *De Judaismo* was made 3 *Edw. 1.* At which Parliament, the King had a Fifteenth granted him *Pro expulsionem Judeorum*.

*Judaismus* was anciently used for a Mortgage. — *Pro hac autem donatione dederunt mihi dicti Abbas & Canonici sex Marcas Sterl. ad acquietandam terram prædictam de Judaismo, in quo fuit impignorata per Rob. fratrem meum, &c. Ex magno Rot. Pipæ, de Anno 9 Edw. 2.*

*Judger*. In *Cheshire*, to be *Judger* of a

Town, is to serve at the Lords Court on the Jury. Sir P. Leicester's *Hist. Antiq.* fol. 302.

*Judgment*, (*Judicium, quasi juris dictum*,) The very voice of Law and Right, and therefore *Judicium semper pro veritate accipitur*: The ancient words of *Judgment* are very significant, *Consideratum est, &c.* because *Judgment* is ever given by the Court upon consideration had of the Record before them; and in every *Judgment* there ought to be three Persons, *Actor, Reus & Judex*. Of *Judgments*, some are final and some not, &c. See *Coke on Litt.* fol. 39. *a.*

*Judices fiscales*, So *Polydore Virgil* calls *Empson* and *Dudley*, who were employed by *Hen. 7.* for taking the Benefit of Penal Statutes, and were put to death by *Hen. 8.* See *Lo. Herbert's Hen. 8.* fol. 5. *6.*

*Judicium Dei*, The Judgment of God; so our Ancestors called those now prohibited Trials of *Ordel*, and its several kinds. *Si se super defendere non possent, Judicio Dei, scil. Aquæ vel Ferro, fieret de eo justitia.* LL. *Divi Edw. Confess.* cap. 16. See *Spelm. Gloss.* on this word.

*Judgment of Arpal* by the Holy Cross, was a Trial in Ecclesiastical Causes, in use long since among our Saxons. See *Cressy's Church History*, fol. 960.

*Jugum terræ*, A Yoke of Land. In *Domesday* contains half a Plow-land, viz. *Odo tenet de Episcopo unum Jugum terræ, & est dimid. Carucata.* So also 1 *Inst.* fol. 5. *a.*

*Juncaria*, (from *juncus*,) A Soil or Ground where Rushes grow. *Coke on Litt.* fol. 5. — *Cum Piscariis, Turbariis, Juncariis, & communibus Pasturis, ad Messuagium prædictum pertinet.* Pat. 6 *Edw. 3.* pa. 1. m. 25.

*Jura Regalia.* See *Regalia*.

*Jurats*, (*Jurati*, *Anno 2 & 3 Edw. 6. cap. 30.*) As the Mayor and *Jurats* of *Maidstone, Rye, Winchelsey, Tenterden, &c.* are in the nature of Aldermen for Government of their several Corporations; and the name is taken from the French, where (among others,) there are *Major & Jurati Suesenses, &c. Vide Choppin Doman. Fran. lib. 3. Tit. 20. sect. 11. pa. 530.* So *Jersey* hath a *Bailiff*, and 12 *Jurats*, or sworn Assistants, to govern the Island. *Cam. Romeney Marsh* is incorporate of one *Bailiff*, xxiiii *Jurats*, and the Commonalty thereof, by Charter *Dat. 23 Febr. 1 Edw. 4.* See *Hist. of Imbanking and Draining*, fol. 34. *b.* *Jurates* is also sometimes taken for *Juries*, as in 13 *Ed. 1. cap. 26.*

*Jury*, (*Jurata*, from *Jurare* to swear,) Signifies Twenty four, or Twelve, Men sworn to inquire of the matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the Matter in question; of which *Jury*, who may, and who may not, be impanelled, see *Fitz. Nat. Br.* fol. 165. There are two manner of Trials in England; one by *Battel*, the other by *Assise* or *Jury*. See *Smith de Repub. Angl. lib. 2. cap. 5, 6, 7.* who adds a third, by *Parliament*. The Trial by *Assise* (be the Action Civil or Criminal, Publick or Private,

Private, Personal or Real,) is referred for the Fact to a *Jury*; and as they find it, so passeth the Judgment; which, by *Bracton*, (*lib. 2. cap. 7*) is called *Regale beneficium*, &c. This *Jury* is not only used in Circuits of Justices, but in other Courts, and Matters of Office; as if the *Coroner* enquire how a subject, found dead, came to his end, he useth an *Enquest*; the Justices of Peace in their Quarter Sessions; the Sheriff in his County and Turn; the Bailiff of an Hundred; the Steward of a Court Leet, or Court Baron, if they enquire of any Offence, or decide any Cause between Party and Party, do it by the same manner. So that where it is laid, all things are tryable by *Battel* or *Affise*: *Affise* in this place is taken for a *Jury*, or *Enquest*, empanelled upon any Cause in a Court where this kind of Tryal is used. This *Jury*, though it pertain to most Courts of the Common Law, yet is it most notorious in the half-yearly Courts of the Justices of the Great *Affises*, and in the Quarter Sessions, where it is usually called a *Jury*; and that in Civil Causes; whereas in other Courts it is oftner termed an *Enquest*, and in the Court Baron, the *Homage* or a *Jury* of the *Homage*. In the General *Affise*, there are usually many *Juries*, because there are many Causes, both Civil and Criminal, commonly to be tryed, whereof one is called the *Grand Jury*, or *Great Enquest*, and the rest *Petit Juries*, whereof it seems there should be one for every Hundred. *Lamb. Eiren. lib. 4. cap. 3. pag. 384.*

The *Grand Jury* consists ordinarily of Twenty-four grave and substantial Gentlemen, or *Juramentum plenum*, the better sort of Yeomen, chosen indifferently out of the whole County by the Sheriff, to consider of all Bills of Indictment preferred to the Court, which they do either approve, by writing upon them *Billa Vera*, or disallow, by writing *Ignoramus*; such as they approve, or *find*, as they term it, if they touch Life and Death, are farther referred to another *Jury*, because the Cause is of such Importance; but others of less moment in Trespass, or for Misdemeanors, are, upon their allowance, without more ado, fined by the Bench, except the Party Traverse the Indictment, or challenge it for insufficiency, or remove the Cause to an higher Court by *Certiorari*; in which two former Cases it is referred to another *Jury*, and, in the later, transmitted to the higher Court. *Lamb. Eiren. lib. 4. cap. 7.* And presently upon the allowance of this Bill by the *Grand Enquest*, a Man is said to be *indicted*; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal Causes, consists of Twelve Men, at least, and being impanelled, do bring in their Verdict, either *guilty* or *not guilty*; whereupon, the Prisoner, if he be found guilty, is said to be *convict*, and accordingly afterward receives his Judgment, and Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes real, are so many, as can conveniently be had, of the same Hundred,

where the Land or Tenement in Question lies, or four, at the least: And they, upon due examination of the Matter, bring in their Verdict, either for the Demandant or Tenant. Of this see *Fortescu*, *cap. 25, 26, 27.* According to which, Judgment passeth afterwards in the Court, where the Cause first began; and the reason hereof is, because these Justices of *Affise* are, in this Case, for the ease of the Country, only to take the Verdict of the *Jury*, by virtue of the Writ called *Nisi Prius*, and so return it to the Court, where the Cause is depending. See *Nisi Prius*, and *Enquest*. Mr. *Sheringham* in his *De Anglorum gentis origine*, — derives the Origin of our *Jury* from a great Antiquity; *Quod autem Wodenus (Asgardia Rex) dicitur duodecim regni proceres sibi assumpsisse, iisdemq; jurisdictioni in populum, provinciam dedisse, hinc forte illa nunquam apud nos satis laudanda consuetudo invaluit, quæ duodecim juratis viris, quos patrio sermone a Juris idcirco vocamus, tota juris decernendi & litium expediendi potestas concessa est*, Pa. 272. This Trial by *Jury* was anciently called *Duodecim-virale Judicium*.

**Juridical Days**, (*Dies Juridici*,) Days on which the Law is administred, days in Court. See *Dies*.

**Juris utrum**, Is a Writ, which lies for the Incumbent, whose Predecessor hath alienated his Lands and Tenements; the divers uses whereof, see in *Fitz. Nar. Br. fol. 48.*

**Jurisdiction**, (*Jurisdiclio*,) Is an Authority or Power, which a Man hath to do Justice in Causes of Complaint made before him: Of which there are two kinds; the one, which a Man hath by reason of his Fee, and by virtue thereof, does right in all Plaints concerning the Lands of his Fee; the other is a *Jurisdiction* given by the Prince to a Bailiff. Which Division I have in the *Customary of Normandy*, *cap. 2.* which is not unapt for the practice of our Commonwealth, for by him whom they call a *Bailiff*, we may understand all that have Commission from the Prince, to give Judgment in any Cause. See Sir *Edw. Coke's Proemium* to his 4 *Inst.*

**Jus Corona**, (the Right of the Crown,) Is part of the Law of England, and differs in many things from the General Law, concerning the Subject. *Vide Coke on Litt. fol. 15. b.*

**Jus Curtialitatis Angliæ**, See *Curtessie* of England.

**Jus Patronatus**, Is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries. verbo, Jure Patronatus in Quare impedit*, fol. 465. col. 3.

**Justes**, (*Fr. Jostie, i. Decursus*,) Were contentions between Martial-Men, and Persons of Honour, with Spears on Horse-back, by way of exercises. *Anno 24 Hen. 8. cap. 13. Editum Regis Edw. 1. prohibendo sub forisfactura omnium que forisfacta possint, quod non Torneant, Bordenant, Adventuras Querant, Justus faciant seu ad arma presumant sine Licentia Regis.* Pas. 29 Edw. 1. *Effex 101.*

**Justice.**



**Justice**, (*Justiciarius*,) Signifies him that is deputed by the King to administer *Justice*, and do right by way of Judgment: The reason why he is called *Justice*, and not *Judex*, is, because, in ancient time, the Latin word for him was *Justicia*, and not *Justiciarius*, as appears by *Glanvil*, lib. 2. cap. 6. and *Hoveden*, fol. 413. a. Secondly, Because they have their Authority by deputation, as delegates to the King, and not *Jure Magistratus*; and therefore cannot depute others in their stead; the *Justice* of the Forest only excepted, who hath that Liberty especially given him by the Statute 32 Hen. 8. cap. 35. For the Chancellor, Martial, Admiral, and such like, are not called *Justiciarii*, but *Judices*. Of these *Justices* we have divers sorts in England, the manner of their Creation with other Appurtenances read in *Fortescue*, cap. 51. These in *Mag. Car.* cap. 12. and other Statutes are called *Justicers*.

**Chief Justice of the Kings Bench**, (*Capitalis Justicia vel Justiciarius Banci Regii, vel ad Placita coram Rege tenenda*,) Hath the Title of Lord, whilst he enjoys his Office, and is called *Capitalis Justiciarius*, because he is the chief of the rest. His Office is specially to hear, and determine, all Pleas of the Crown, that is, such as concern Offences committed against the Crown, Dignity and Peace of the King, as *Treasons*, *Felonies*, *Mayhem*, and such like, which you may see in *Bracton*, lib. 3. tract. 2. per totum. And in *Stamf. Pleas of the Crown*. He also, with his Assistants, hears all Personal Actions, incident to his Jurisdiction. See Sir *Edw. Coke's 4 Inst.* fol. 74. who says, The Chief Justice of this Court was anciently created by Letters Patent, but now by Writ, in this form.

—Rex, &c. I. K. militi, salutem. Scitis quod constituimus vos Justiciarium nostrum Capitalem, ad Placita coram nobis tenenda, durante beneplacito nostro. Teste, &c.

Of the ancient Dignity, of this Chief Justice, thus *Liber niger fiscalis*, cap. 4. In *Scaecario residet, imò & presidet, primus in regno*, *Capitalis, scilicet, Justicia*. In the time of King *John*, and other of our ancient Kings, it often occurs in Charters of Privileges, *Quod non ponatur respondere, nisi coram nobis vel Capitali Justicia nostra*. The Oath of the *Justices* see in the Stat. 18 Edw. 3. Stat. 4. And in *Origines Juridicales*, a Catalogue of all the Lord Chief Justices of England. See *Kings Bench*.

**Chief Justice of the Common Pleas**, Hath also the Title of Lord, whilst he enjoys his Office, and is called *Dominus Justiciarius Communium Placitorum, vel Dominus Justiciarius de Banco*, who, with his Assistants, did, originally, and do yet, hear and determine all Causes at the Common Law, that is, all Civil Causes, as well Personal as Real, between common Persons; wherefore it was called *The Court of*

*Common Pleas*, in distinction from *The Pleas of the Crown*, or the King's Pleas, which are special and appertaining to Him only. This Court was appointed to be in a settled place, and not as other Courts, to follow or attend the King's Court or Palace, as appears by the Stat. 9 Hen. 3. cap. 11. Of its Jurisdiction, see 4 *Inst.* fol. 99. The *Justices Oath*, see 18 Edw. 3. Stat. 4.

**Justice of the Forest**, (*Justiciarius Foresta*,) Is also a Lord by his Office, and hath the hearing and determining all Offences within the Forest, committed against Venison or Vert; of these there are two, whereof the one hath Jurisdiction over all the Forests on this side *Trent*, the other over all beyond. The chiefest point of their Jurisdiction consists in the Articles of the King's Charter, called *Charta de Foresta*, made 9 Hen. 3. See *Cam. Britan.* pag. 214. The Court, where this Justice sits, is called the *Justice Seat of the Forest*, held once every three years. See *Manwood*, par. 1. pag. 121, & 154. He is also called *Justice in Eyre of the Forest*. This is the only Justice that may appoint a Deputy by Stat. 32 Hen. 8. cap. 35.

**Justice of Assise**, (*Justiciarii ad capiendas Assisas*,) Are such as were wont, by special Commission, to be sent (as Occasion was offered,) into this or that Country, to take *Assises*, for the ease of the People. And it seems the *Justices* of the *Common Pleas* had no power to take *Assise*, until the Statute of 8 Rich. 2. cap. 2. for by that, they are enabled thereto, and to deliver Goals. And the *Justices* of the *Kings Bench* have, by that Statute, such power affirmed unto them, as they had One hundred years before. Of later years these Commissions, *Ad Capiendas Assisas*, are executed in the *Lent*, and long Vacation, when the *Justices* and *Lawyers* are most at leisure to attend them. Hence the matters, accustomed to be heard by more general Commission of *Justices in Eyre*, are heard all at one time, with the *Assises*, which was not so of old, as appears by *Bracton*, lib. 3. cap. 7. num. 2. Yet no Justice of either Bench, nor any other, may be Justice of *Assise* in his own Country. Anno 8 Rich. 2. cap. 2. and 33 Hen. 8. cap. 24. And these, who are in one word called *Justices of Assise*, and twice every year go the Circuit by two and two through all England, have one Commission to take *Assises*, another to deliver Goals, another of *Oyer and Terminer*, &c. See *Assise and Cramp. Juris.* fol. 210. That *Justices of Assise*, and *Justices in Eyre*, did anciently differ, appears Anno 27 Edw. 3. cap. 5. And that *Justices of Assise*, and *Justices of Goal Delivery*, were divers, is evident by Anno 4 Edw. 3. cap. 3. The Oath taken by *Justices of Assise*, is all one with that taken by the *Justices* of the *Kings Bench*. *Old Abridgement of Statutes, titulo, Sacramentum Justiciariorum.*

**Justices of Oyer and Terminer,** (*Justiciarii ad audiendum & terminandum.*) were *Justices*, Deputed upon some special or extraordinary occasion, to hear and determine some particular Causes. *Fitz.* (in his *Nat. Br.*) saith, The Commission of *Oyer and Terminer* is directed to certain persons, upon any Insurrection, heinous Demeanor or Trespas committed. And, because the occasion of granting this Commission should be maturely weighed, it is provided by the Statute 2 *Edw. 3. cap. 2.* That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one Bench, or the other, or *Justices Errants*, except for horrible Trespas, and that by special favour of the King. The Form of this Commission, see in *Fitz. Nat. Br. fol. 110.*

**Justiciarii ad Placita transgressionum Monetæ audienda & terminanda,** *Clauſ. 7 Ed. 1. M. 6. de Judæis.*

**Justices in Eyre,** (*Justiciarii itinerantes, alias Errantes, alias Perluſtrantes,*) are so termed of the old French word *Erre, i. iter*; as a *grand Erre, i. magnis itineribus*, proverbially spoken. These, in ancient time, were sent with Commission into divers Counties, to hear such Causes specially, as were termed the Pleas of the Crown; and that for the ease of the Subject, who must else have been hurried to the Courts at *Westminster*, according to their several Jurisdictions; if the Cause were too high for the County-Court. These *Justices* (according to *Gwin*, in his Preface to his *Reading*.) were anciently sent but once in seven years, with whom *Horn* (in his *Mirror of Justices*) seems to agree, *Lib. 2. cap. Queux point estre actors, &c.* And *Lib. 3. cap. De Justices in Eyre*, where he also declares what belonged to their Office; but that they were sent oftner, see *Orig. Juridicales*. Though *Camden* says, they were instituted by *Hen. 2.* yet certainly they were of greater Antiquity, as you may see in the *Mirror, cap. 2. Sect. 15.* and were much like, in some respect, to the *Justices of Assise* at this day; although for Authority and manner of proceeding, far different. *Coke on Litt. fol. 293. b. and 2 Inst. fol. 498.*

**Justices of Goal Delivery,** (*Justiciarii ad Goals deliberandas,*) Are such as are sent with Commission, to hear and determine all Causes appertaining to those, who for any offence, are cast into the Goal; part of whose Authority is to punish such, as let to Mainprise those Prisoners, who by Law are not bailable, *Fitz. Nat. Br. fol. 151.* These probably, in ancient time, were sent into the Counties upon this several occasion: But afterwards *Justices of Assise* had this in Commission also. *Anno 4 Edw. 3. cap. 3.* Their Oath is all one with other of the Kings *Justices* of either Bench.

**Justice of the Hundred,** (*Justiciarius Hundredi.*) *Erat ipse Hundredi Dominus, qui & Centurio & Centenarius, Hundredique Aldermanus appellatus est. Præerat omnibus Hundredi Fri-*

*borgis, cognovitque de causis majusculis, que in eisdem finiri non potuerunt. Spelm.*

**Justicements,** (*Fr.*) All things belong to Justice. *Cokes 2 Inst. fol. 225.* Also the effects or execution of Justice, or of Jurisdiction.

**Justices of the Jews,** (*Justiciarii ad Custodiam Judeorum assignati,*) *K. Ric. 1.* after his return out of the Holy Land, *Anno 1194.* appointed particular *Justices*, Laws and Orders for preventing the Frauds, and regulating the Contracts and Usury of the Jews. *Hoveden, parte post. pag. 745. Clauſ. 3 Ed. 1. M. 19.*

**Justices of Labourers,** Were *Justices* appointed, in former times, to redress the forwardness of Labouring Men, who would either be idle, or have unreasonable Wages. *Anno 21 Edw. 3. cap. 1. — 25 Ejsdem, cap. 8. And 31 Ejsdem, cap. 6.*

**Justices of Nisi Prius,** Are now all one with *Justices of Assises*: For it is a common Adjournment of a Cause in the Common Pleas, to put it off to such a day, *Nisi prius Justiciarii venerint ad eas partes ad capiendas Assisas.* Upon which Clause of Adjournment, they are called *Justices of Nisi Prius*, as well as *Justices of Assises*, by reason of the Writ or Action they have to deal in. Their Commission you may see in *Cromp. Juris. fol. 204.* Yet he makes this difference between them; because *Justices of Assise* have power to give Judgment in a Cause, and *Justices of Nisi Prius* only to take the Verdict. But in the nature of both their Functions, this seems to be the greatest difference, that *Justices of Nisi Prius* have Jurisdiction in Causes Personal, as well as Real; whereas *Justices of Assise*, in strict acception, deal only in the Possessory Writs, called *Assises. Cowel.*

**Justices of Trailbaston,** Were *Justices* appointed by King *Edward the First, Anno 1305.* upon occasion of great disorders in the Realm, during his absence in the Scottish and French Wars: They were so called, according to *Holinshed*, of trailing or drawing the Staff of Justice, or for their summary proceeding, according to *Coke, 12 Rep. fol. 25.* where it is said they were in a manner *Justices in Eyre*, and their Authority founded on the Statute of *Ragman*. What their Office was, take from a contemporaneous Author. — *Circa hæc tempora processit in publicum novæ inquisitionis breve, quod anglie dicitur Trailbaston, contra Intrusores, Conductitios hominum vapulatores, conductitios, seisdine captores, pacis infractores, raptores, incendiarios, murduratores, pugnatores. Multi hoc perempti, multi redempti, multi noxii, pauci innoxii sunt inventi. Adeo quidem rigide processit hujus coercionis justitia, quod pater proprio filio non parceret, &c. dira multa. Hist. Rossens. fol. 200. de Anno 1305.* By means of which Inquisitions, many were punished by Death, many by Ransom, many fled the Realm, which was thereby quieted, and the King gained great Riches towards the support of his Wars. See *Matth. Westm. in Anno 1305.* We find also a Commission of *Trailbaston* coram *Rogero de Grey &*



*Sociis suis Justic. apud St. Albanum. Anno Regni Regis Edw. tertii post Conquestum 5. See Spelm. Gloss. verbo, Trait-baston.*

**Justices of the Pavillon.** (*Justiciarii Pavilonis.*) Are certain Judges of a Pyepowder Court, of a most transcendent Jurisdiction, held under the Bishop of Winchester, at a Fair on S. Giles Hill near that City, by virtue of Letters Patent, granted by Richard the Second and Edward the Fourth. — *Episcopus Wynton & successores suos, à tempore quo, &c. Justiciarios suos, qui vocantur Justiciarii Pavilonis, cognitiones placitorum & aliorum negotiorum eadem Feria Durante. nec non claves portarum & custodiam predictæ Civitatis nostræ Wynton. pro certo tempore Feriæ illius, & nonnullas alias libertates, immunitates & consuetudines habuisse, &c. See the Patent at large in Prymme's Animad. on 4 Inst. fol. 191.*

**Justices of the Peace.** (*Justiciarii ad Pacem.*) Are those, who are appointed by the Kings Commission to attend the Peace of the County where they dwell; of whom some, for special respect, are made of the *Quorum*, because some business of importance may not be dispatched without the presence or assent of them, or one of them. See *Quorum*. The Office and Power of these, is various, and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace*, till the Thirty sixth year of Edward the Third, cap. 12. where they are called *Justices*. Lamb. Eiren. lib. 4. cap. 19. pag. 378. See *Shepherd's Sure Guide for J. of Peace*.

**Justices of Peace within Liberties.** (*Justiciarii ad Pacem infra Libertates.*) Are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or Power is all one within their several Precincts. Anno 27 Hen. 8. cap. 25.

**Justiciar.** (*Fr. Justicier.*) A Justice or Justicer. The Lord Bermingham, Justiciar of Ireland. *Cron. Angliæ.*

**Justiciarius.** — *Nos, quantum in ipsis est, de nostro Domino & alio Justiciatu, quæ ibidem optinere, noscitur excludendo. Pat. 31 Edw. 3. Pars 1. M. 19. intus. Judicature, Prerogative or Jurisdiction.*

**Justitie.** Is a Writ, directed to the Sheriff, for the dispatch of Justice, in some special Cases in his County-Court, of which, by his ordinary Power, he cannot hold Plea there. *Fitz. Nat. Br. fol. 117. Kirchin, fol. 74.* says, That by this Writ the Sheriff may hold Plea of a great Sum, whereas of his ordinary Authority he cannot hold Pleas, but of Sums under Forty Shillings, with whom *Crompton* agrees, fol. 231. It is called a *Justicies*, because it is a Commission to the Sheriff *Ad justiciandum aliquem*, to do a Man Justice or Right, and requires no Return or Certificate of what he hath done. *Brañton, lib. 4. tract. 6. cap. 13. num. 2.* makes mention of a *Justicies* to the Sheriff of London, in a case of Dower. See the *New Book of Entries, verbo, Justicies.*

**Justification.** (*Justificatio.*) Is a maintaining or shewing a good reason in Court, why one did such a thing, which he is called to answer. As to *justify* in a cause of Replevin. *Broke, tit. Rep'evin.*

**Justificators.** (*Justificatores.*) *Will. Rex Angliæ H. Camerario & Justificatoribus suis, omnibus suis fidelibus Norf. salutem. Inquire per Comitatum quis justius hujusmodi forisfacturam haberet tempore Patris mei, sive Abbas Ramesia sive antecessor W. de Albenio. Et si Comitatus concordaverit quod Abbas rectius predictam forisfacturam debet habere, tunc præcipio ut C. solidi quos Radul. Passel. implacitavit, sine mora Abbati reddantur. T. Episcopo Dunelmensi. Sir Henry Spelman leaves it thus without explication. Justificators seem to signifie Compurgators, or those that by Oath justify the Innocency, Report or Oath of another, as in the case of Waging Law; also Jurymen; because they justify that party, on whole behalf they give their Verdict.*

**Justitia.** Was anciently used for a Judge, and sometimes for a Statute, Law or Ordinance. *Ricardus Dei Gratia — Sciatis, Nos, de communi proborum virorum consilio, fecisse has Justitias subscrip̃tas. Hoveden, pag. 666.*

**Justitium.** A ceasing from the Prosecution of Law, and exercising Justice, in places Judicial; The *Vacation*. *LL. Canuti.*

## K.

**Kalendar-Month.** (Mentioned in the Stat. 16 Car. 2. cap. 7.) Consists of Thirty or Thirty one days, according to the *Kalendar*. A Twelve-month in the singular number, includes all the Year; but *Twelve-months* shall be computed according to Twenty eight days to every Month. See *Coke, lib. 6. fol. 61. b. Catesbies Case*, and see *Computation*.

**Kantref.** (*Brit.*) In *Wales* it signifies a Hundred Villages. — *Le premier Conquerneur des treis Kantrefs de la tere de Breckenoch, estoit Bernard de Nefnarche, Norman. Mon. Angl. 1. pa. fol. 319. b. See Cantred.*

**Karle.** (*Sax.*) A Man; and sometimes a Servant or Clown. Hence the Saxons called a Seaman, a *Wulscarle*, and a Domestick Servant, *Hulscarle*. This word is often found in *Domesday*, *Selden's Mare Clausum*, and other ancient Records; from hence, by corruption, comes our modern word *Churle*.

**Karrata fæni.** (*Mon. Ang. 1. par. fol. 348. b.*) A Cart-load of Hay. See *Carella*.

**Kay.** (*Kaia & Caya, Sax. cæ5 Tent. Kay.*) Area in litore onerandarum atque exonerandarum navium causa, & compactis tabulis trabibusque (clavium instar) firmata. A Wharf to Land, or Ship, Goods or Wares at. The Verb *Caiare* in old Writers, signifies (according to *Scaliger*) to keep in, or restrain; and so is the Earth or Ground where *Kays* are made, with Planks and Posts.

**Posts.** Nunc ille cursus aqua per sordes & inundationes Tannatorum, & per varias perturbationes in predicta aqua factas, & maxime per exaltationem Cape, & diversionem aquae, quam ipsi de Novo Templo fecerunt ad molendina sua extra Castra Baignard, quod naves predictae minimè intrare possunt, sicut solebant. Pla. & Petitiones in Parl. Anno 35 Ed. 1.

**Kayage, (Kaiagium.)** Portorium quod Kaiæ nomine, exigit Telonarius. The Money or Toll paid for Loading or Unloading Wares at a Kay or Wharf. Rot. Pat. 1 Edw. 3. m. 10. and 20 Edw. 3. m. 1.

**Kedel, (Anno 12 Edw. 4. cap. 7.)** See Kidde.

**Keeclage.** See Killagium.

**Keeper of the Great Seal, (Custos magni Sigilli.)** Is a Lord by his Office, styled Lord Keeper of the Great Seal of England, and is of the Kings Privy Council, through whose Hands pass all Charters, Commissions, and Grants of the King, under the Great Seal. Without which Seal, many of those Grants and Commissions, as to divers particulars, are of no force in Law; the Kings Great Seal being as the Publick Faith of the Kingdom, in the high esteem and reputation, justly belonging and attributed thereunto. This Lord Keeper by the Statute 5 Eliz. cap. 18. hath the same Place, Authority, Preheminence, Jurisdiction, Execution of Laws, and all other Commodities and Advantages as the Lord Chancellor of England hath. Both these great Officers cannot properly be at the same time, since the said Statute; but before, they might. Yet Sir Francis Bacon was made Lord Keeper, 7 Martii, 1616. The Lord Chancellor Egerton then living, but died the next day. He is made Lord Keeper of the Great Seal, Per Traditionem Magni Sigilli sibi per Dominum Regem, and by taking his Oath. 4 Inst. fol. 87.

**Keepers of the Liberties of England, by Authority of Parliament.** See Custodes Libertatis.

**Keeper of the Privy Seal, (Custos privati Sigilli.)** Is a Lord by his Office, through whose Hands pass all Charters signed by the King, before they come to the Great Seal, and some things which do not pass the Great Seal at all. He is also of the Kings Privy Council, and was anciently called Clerk of the Privy Seal. Anno 12 Rich. 2. cap. 11. Gardien del Privy Seal. In Rot. Parl. 11 Hen. 4. num. 28. And Lord Privy Seal. Anno 34 Hen. 8. cap. 4.

**Keeper of the Touch, (Anno 12 Hen. 6. cap. 14.)** Seems to be that Officer in the Kings Mint, which at this day is called Master of the Assay. See Mint.

**Keeper of the Forest, (Custos Forestae.)** Is also called Chief Warden of the Forest, and hath the principal Government of all things, and the check of all Officers, thereto belonging: And the Lord Chief Justice in Eyre of the Forest, when it pleaseth him to keep his Justice Seat, sends out his general Summons to him forty days before, to warn all Under-Officers to appear

before him, at a day assigned in the Summons. Manw. par. 1. pag. 156, &c.

**Kænegild, (Sax.)** Spel. de Concil. 1 Tom. fol. 406. Quere.

**Kennets,** A sort of course Welsh Cloth, mentioned Anno 33 Hen. 8. cap. 3.

**Kernes,** Idle persons, Vagabonds. — Nec non de illis qui dicuntur Jole-mien, & malefactoribus, qui etiam Kernes dicuntur. Pat. 5 Ed. 3. pag. 1. m. 25. & Ord. Hibern. 31 Edw. 3. m. 11, 12.

**Kernellatus, (from the Lat. Crena, a Notch)** — Et Dux (sc. Lanc.) dicit, quod ipse clamat pro se & heredibus suis habere Castrum suum de Halton, Kernellatum. Pl. de quo Warr. apud Cestriam, 31 Edw. 3. Fortified or Embattelled. Roformel. Erat ibidem quoddam Castrum duplici muro Kernellatum, &c. Survey of the Duchy of Cornwall.

**Keyles or Keeles, (Cyuli or Cingles.)** A kind of Long Boats of great Antiquity, mentioned Anno 23 Hen. 8. cap. 18. Longæ Naves quibus Britanniam primò ingressi sunt Saxones. Spel.

**Kidder, (Anno 5 Eliz. cap. 12.)** — Every person being a Common Badger, Kidder, Ladet, or Carrier. — Says the Statute; whereby it seems to signifie one, that Badges or carries Corn, Dead Victual, or other Merchandise up and down to sell; called also Kyddiers. Anno 13 Eliz. cap. 25.

**Kiddle, Kidell, or Kedell, (Kidellus.)** A Dam, or open Wear in a River, with a loop or narrow cut in it, accommodated for the laying of Weels, or other Engins to catch Fish. 2 Part. Instit. fol. 38. Augustius, machinas sive ingenia in fluminibus posita ad Salmones aliosque pisces interceptiendos. Fishermen corruptly call them Kettles. The word is ancient, for in Magna Charta, cap. 24. we read thus, — Omnes Kidelli deponantur de cetero penitus per Thamesiam & Medeweyam & per totam Angliam, nisi per costeram Maris. And in a Charter made by King John, power was granted to the City of London, De Kidellis amovendis per Thamesiam & Medeweyam. Anno 1 Hen. 4. cap. 12. It was accorded (inter alia,) That a Survey should be made of the Wears, Mills, Stanks, Stakes, and Kidells in the great Rivers of England. Inq. capr. apud Derb. 15 Nov. 1 Eliz. post mortem Tho. Fynderm, &c. — Et fuit seisisus de uno Kidello vocat. a Wæere, ac de libera piscaria in Portlok. Esc. Bundello. 3.

**Kilkeith,** Was an ancient servile kind of payment; For, in an old Manuscript I find Kilkeith pro qualibet husbandrea 2 denar.

**Killagium, Keelage.** Robertus de Brus habet apud Hertelpole, Portum maris, & capit ibi Killagium, scil. de qualibet navi cum Catello applicante ibi, octo denar. & de qualibet navi sine Catello quatuor denar. Rot. Parl. 21 Edw. 1. tit. Northumberland.

**Kilth.** Ac omnes annuales redditus de quadam consuetudine in Ewyas-Lacy vocat. Kilth. Pat. 7 Eliz. pag. 7.



**King of Heraldry**, (*Rex Heraldorum*.) Is a chief Officer at Arms that hath the preheminance of the Society; Among the Romans he was called *Pater patratus*. See *Herald*.

**King of the Minstrels**, at *Tutbury* in *Com. Staff.* his Power and Privilege appears in the following Charter.

**J**ohan par le grace de Dieu, Roy de Castile & de Leon Duke de Lancastre a tous ceux, que cestes nos lettres verront ou orront salut. Saches nous avoir ordonne constitut & assignez nostre bien ame N. N. le Roy des Ministralx deins nostre Honeur de Tuttebury quore est, ou qui pur le temps serra, pur prendre & arrester tous les Ministralx deins meisme nostre Honeur & Franchise, queux refusent de faire leur services & Ministralcie as eux appartenants, a faire de ancien temps a Tuttebury susdit annuellement les jours del Assumption de nostre dame. Donants & grantants au dit Roy des Ministralx pur le temps estant plein poier & mandement de les fair resonablement justifier & constrener de fair leur services & Ministralcies en maner come appeint, & come il lonques ad este use & de ancien temps accustomé. En testimoigniance de quel chose nous avons fait faire cestes nos lettres patentes, don souz nostre privie Seal a nostre Castel de Tuttebury le xxii jour de August le an de regne nostre tresdulces le Roy Richard Second, quart. Confirmed by Hen. 6. 22 Febr. 21 Regni.

*Item est ibidem quedam Consuetudo quod Histriones, venientes ad matutinas in festo Assumptionis Beate Marie, habebunt unum Taurum de Priorate de Tuttebury, si ipsum capere possunt citra aquam Dove propinquiorum Tuttebury, vel Prior dabit eis xl. d. pro qua quidem Consuetudine dabitur Domino ad dictum Festum annuatim xx. d. Mon. Angl. 1 Par. fol. 355. b. See Minstrels and Fragmenta Antiq.*

**Kings Bench**, (*Bancus Regius*, from the Sax. *Banca*, a Bench or Form.) Is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own person, and was therefore moveable with the Court or Kings Household, and called *Curia Domini Regis*, or *Aula Regis*; wherein, and in the Exchequer, (which were the only Courts of the King till Henry the Third's days,) were handled all Matters of Justice, as well civil as criminal. This Court was wont, in ancient times, to be especially exercised in all criminal Matters and Pleas of the Crown, leaving private Contracts and civil Actions to the Common-Pleas and other Courts. *Glanvil*, lib. 1. cap. 2, 3, &c. *Smith de Repub. Angl.* lib. 2. cap. 11. See *Cokes 4 Inst.* fol. 70.

**Kings Silver**, Is that Money which is due to the King in the Court of Common-Pleas, *pro licentia concordandi*, in respect of a Licence there granted to any Man for levying a Fine, *Coke*, Vol. 6. fol. 39. a. & 43. b. & 2 *Inst.* fol. 511.

**Kings Swanheart**, (*Magister deductus Cignorum*.) Pat. 16 R. 2. pars 1. m. 38. — *Raddulphum Scot*, Custodem Cignorum nostrorum,

*sive per alium quemcunque qui pro tempore Custos cignorum nostrorum predictorum fuerit.* No Fowl can be a stray but a Swan. 4 *Inst.* fol. 280.

**Quintal**, (*Span. Quintal*.) Is a kind of weight, most commonly of One hundred pounds, or something under or over, according to the divers uses of sundry Nations; *Plowden*, fol. 3. in the Case of *Reyniger* and *Fogassa*, mentions 2000 Quintals of Woad. *Item duodecim Denarios de quolibet ceræ Quintallo.* Carta 31 Edw. 1. M. 4.

**Kipper-time**. That no Salmon be taken between *Gravesend* and *Henly* upon *Thames* in *Kipper-time*, viz. between the Invention of the Cross, (3 May.) and the Epiphany. *Ret. Parl.* 50 Edw. 3.

**Kirkbys-Duest**, Is an ancient Record remaining with the Remembrancer of the Exchequer, the meaning and etymology whereof will appear by what follows. *Md. quod Anno Dom. 1277, Anno Regni Regis Edwardi filii Regis Henrici quinto, misit idem Rex per totam Angliam Ballivos inquirere sub juramento & in secreto de universis terris Angliæ per Johannem de Kirkby Thesaurarium suum, quisquis teneret & cujus feodi, & quantum, & cujus Regis tempore feoffati essent.* Ex *Registro Glaston. Canobii penes Rad. Sheldon* Ar. fo. 71. b.

**Knave**, (*Sax. Cnafa*.) Is used for a Manservant, *Anno 14 Edw. 3. Stat. 1. cap. 3.* It did anciently signifie a Child; also a Minister or Servant. *Matth. 8. 6. Puer meus jacet in domo paralyticus*, was, in the Saxon Translation, turned *my n knafa*. — Hence *Jcyld Cnafa*, pro, *Armigero*, quasi *scuti famulus* seu minister; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titular addition. — *Johannes filius Willemi Couper de Denby Knave*, ad satisfaciendum Regi de omni eo quod ad Regem pertinet, occasione cujusdam *Ulagarie* in ipsum in placito transgressionis ad sedem Regis promulgata. Original. de Anno 22 Hen. 7. 36 Derby.

**Knight**, (*Sax. Cuyt*, *Fr. Chivalier*, *Lat. Miles*, *Eques Auratus*, from his gilt Spurs usually worn, and thence called anciently *Knights of the Spur*.) Signifies one that bears Arms, who, for his Virtue, and Martial Prowess, is by the King, or one having his Authority, exalted above the rank of Gentlemen to a higher account or step of Dignity. The manner of making them *Cavaliers* in his Britan. thus shortly expresseth. *Nostris vero temporibus, qui Equestrem dignitatem suscipiunt, flexis genibus leviter in humero percutitur, Princeps his verbis Gallice affatur; Sus vel loïs Chevalier au nom de Dieu.* i. Surge aut sis *Eques* in nomine Dei. This is meant of *Knight-Bachelers*, which is the lowest, but most ancient, Degree of Knighthood with us. By the Stat. 1 Ed. 2. cap. 1. All Gentlemen, having a full Knights Fee, and holding their Land by Knights Service, might be compelled by distress to be made *Knights*; But that is repealed by 17 Car. 1. cap. 20. The privilege belonging to a *Knight* see in *Fern's Glory of Generosity*, pag. 116. Of *Knights* there are two sorts, one *Spiritual*, so called by Divines in regard of their *Spiritual Welfare*; the

the other Temporal. *Cassianus de gloria mundi*, Part 9. Considerat. 2. See *Seldens Titles of Honor*, fol. 770. Chief Justice Popham affirmed he had seen a Commission granted to a Bishop, to Knight all the Parsons in his Diocess. *God-bolts Rep.* fol. 398. Of the several Orders both of Spiritual and Temporal Knights, see Mr. *Ashmole's Instit. of the Knights of the Garter*.

**Knights Court**, Is a Court Baron or Honor Court, held twice a year under the Bishop of Hereford, at his Palace there; wherein those, who are Lords of Mannors, and their Tenants, holding by *Knights Service* of the Honor of that Bishoprick, are Suiters; which Court is mentioned in *Butterfields Survey*, fol. 244. If the Suiter appear not at it, he pays 2 s. *Suit-Silver* for respit of Homage.

**Knights of the Garter**, (*Equites Garterii*, or *Periscolidis*.) Are an Order of *Knights*, created by Edward the Third, after he had obtained many notable Victories, who, for furnishing this honourable Order, made choice in his own Realm, and all Christendom, of 25 the most excellent and renowned Persons for Virtue and Honour; Himself and his Successors, Kings of England, were ordained to be the *Sovereigns*, and the rest, Fellows and Brethren of this Order. *Smith de Repub. Angl. lib. 1. cap. 20.* The Officers belonging to it, are, The *Prelate of the Garter*, (which is always the Bishop of Winchester;) The *Chancellor of the Garter*; The *Register*, who is always *Dean of Windsor*; The *Principal King at Arms* called *Garter*, whose chief Function is to manage the Solemnities at their Feasts and Installations: Lastly, the *Usher of the Garter*, being the Usher of the *Black Rod*. This most honourable Society is a College or Corporation, having a great Seal belonging to it. See *Garter*.

**Knights Baneret**. See *Baneret*. *John Coupe-land*, (for his valiant service against the Scots,) had the Honour of *Baneret* conferred on him and his Heirs for ever, by Patent, 29 Edw. 3. part 1. m. 2.

**Knights of the Bath**, See the Antiquity and Ceremony of their Creation in *Dugdales Antiquities of Warwickshire*, fol. 531, 532. They are so called from their *Bathing* the Night before their Creation; Their place is before *Knights Bachelors*, and after *Baronets*.

**Knights of St. John of Jerusalem**, (*Milites Sancti Johannis Hierosolymitani*.) Had beginning about the year 1119. and denomination from John the charitable Patriarch of Alexandria, though vowed to St. John Baptist their Patron. They had their primary Foundation and chief aboad first in Jerusalem, and then in the Isle of Rhodes, until they were expelled thence by the Turk, Anno 1523. Since which time their chief Seat is in the Isle of Malta, where they have done great Exploits against the Infidels, especially in the year 1595, and are now called *Knights of Malta*. They had one general Prior, who had the Government of the whole Order within England and Scotland. *Reg.*

of *Writs*, fol. 20. b. and was the first Prior of England, and sat in the Lords House of Parliament. Of these Knights mention is made in the Stat. 25 Hen. 8. cap. 2. & 26 ejusdem, cap. 2. But (Anno 32 Hen. 8. cap. 24.) they in England and Ireland were suppressed, and their Lands and Goods referred by Parliament to the Kings Disposition. See *Hospitallers*.

**Knights of Malta**. See *Knights of St. John*. — *Supra*.

**Knights of Rhodes**. (Anno 32 Hen. 8. cap. 24.) See *Knights of St. John*. —

**Knights of the Temple**. See *Templers*.

**Knights of the Chamber**, (*Milites Camerae*.) mention'd in 2 *Inst.* fol. 666. and in *Ref. Pat.* 29 Ed. 3. part 1. m. 29. seem to be such *Knights Bachelors*, as are made in time of Peace, because Knighted commonly in the Kings Chamber, not in the Field, as in time of War.

**Knights of the Shire**, (*Milites Comitatus*.) otherwise called *Knights of Parliament*, are two Knights, or Gentlemen of worth, chosen upon the Kings Writ, in pleno Comitatu, by the Freeholders of every County that can dispend 40 s. per Annum, Anno 1 Hen. 5. cap. 1. and 10 Hen. 6. cap. 2. who are in Parliament to consult in behalf of the Commons of England, touching the Publick Affairs of the Realm. These, when every Man that had a Knights Fee, was customarily constrained to be a Knight, were of necessity to be *Milites gladio cincti*, for so runs the Writ at this day. But now Custom admits *Esquires* to be chosen to this Office. — *Quod Milites Comitatus pro Parlamento extunc eligend. sint Milites notabiles de eisdem Com. pro quibus sic eligentur, seu aliter Notabiles Armigeri, homines generosi de Nativitate de eisdem Com. qui sint habiles existere Milites, & quod nullus homo sit talis Miles, qui in gradu valetti & inferiori existit, prout in Statuto continetur, viz. 23 H. 6. In breve de Sum. ad Parl. Claus. 39 Hen. 6. in dorso. m. 41.* For the choice of these Knights, see the Statutes 7 Hen. 4. cap. 15. 23 Hen. 6. cap. 15. with others. Their Expences are to be born by the Country, 35 Hen. 8. cap. 11. though now a days seldom or never required.

**Knight Marshal**, (*Marescallus Hospitii Regis*.) Is an Officer of the Kings House, having Jurisdiction and Cognizance of any Transgression within the Kings House, and Verge of it; as also of Contracts made within the same House, whereto one of the House is a party. *Reg. of Writs*, fol. 185. a. and 191. b. and *Spelmans Glossar.* in voce *Marescallus*.

**Knight-service**, (*Servitium Militare*.) Was a Tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in War, Escuage, Ward, Marriage, &c. but is taken away by Stat. 12 Car. 2. cap. 24. In *Domesday Book* some Land holden by *Knights Service* is called *Tainant*, and Land holden by *Socage*, *Revelant*, fol. 86. a.

**Knights Fee**, (*Feodum Militare*.) Is so much Inheritance, as is sufficient yearly to maintain a Knight with convenient Revenue; which in



Henry the Third's days was 15 l. *Cam. Britan. pag. 111.* But, Sir Thomas Smith, in his *Repub. Angl. lib. 1. cap. 18.* rates it at 40 l. And, by the Stat. for Knights, 1 Edw. 2. cap. 1. such as had 20 l. per Ann. in Fee, or for life, might be compelled to be Knights; which Stat. is Repealed by 17 Car. 1. cap. 20. Stow, in his *Annals*, pag. 285. says, There were found in England at the time of the Conquerour 60211 Knights Fees, according to others 60215; whereof the Religious Houses, before their Suppression, were possessed of 28015. *Orto Carucata terre faciunt feodum unius militis. Mon. Angl. 2 p. fol. 825. a.* Of this you may read more in *Seldens Titles of Honour*, fol. 691. and *Bracton*, lib. 5. Tract. 1. cap. 2. See *Coke on Litt. fol. 69. a.* A Knights Fee contained 12 Plowlands. 2 Part. *Inst. fol. 596.* or 680 Acres.

**Knighten-gyld**, Was a Gyld in London consisting of 19 Knights, which King Edgar founded, giving them a portion of void Ground lying without the Walls of the City, now called *Portfoken-ward*. *Stowes Annals*, pag. 151. This, in *Mon. Ang. 2 pag. fol. 82. a.* is written *Cuit-tenegild*.

**Kiddiers**, (*Anno 13 Eliz. cap. 25.*) See *Kidder*.

**Kylpw**, — *Et sint quieti de pastu & Kylpw, & omnibus aliis exactionibus, quas Forestarii & alii Balivi solent exigere.* *Mon. Angl. 1 Par. fol. 722. b.* Perhaps it might signifie some kind of Portage; for so *Welc*, in the North, still signifies.

## L.

**Latorarie**, Is a Writ that lies against such, as having not whereof to live, do refuse to serve; Or against him that refuseth to serve in Summer, where he served in Winter. *Reg. of Writs*, fol. 189. b.

**Laches**, (*Fr. Lache, i. Frigidus, Ignavus.*) Signifies slackness, or negligence. As no *Laches* shall be adjudged in the Heir within age. *Litt. fol. 136.* and *Old. Nat. Br. fol. 110.* Where a Man ought to make, or do a thing, and he makes or does it not; *I*, of his *Laches* cannot have an Affise, but must take an Action on the Case. See *Coke on Litt. fol. 246. b.*

**Lada**, (from the Sax. *Lade, i. purgatio, excusatio.*) Camden uses *Water-Lade* for a Water-Course.

**Lafordswick**, (*Sax. Hlaford, Domidus & Pic, Proditio.*) *Infidelitas erga Dominum*, A betraying ones Lord or Master. In the Laws of Hen. 1. cap. 13. *Quadam Placita emendari* (i. *Quadam crimina expiari non possunt*; *Husbrech, Ber-ner, Openhese, Everemorth, & Lafordswick.* Which word is also found in *Canutus Laws*, cap. 61.

**Laga**, (*Sax. Laſ.*) Law. *Lagam Regis Edwardi vobis reddo, cum illis emendationibus, qui-*

*bus Pater meus eam emendavit, says Magna Charta.* Hence *Seaxenlage, Mercenlage, Danelage, &c.*

**Lageman**, or **Lahman**, (*Lagamannus.*) *Homo legalis seu legitimus*; Such as we call now *Good Men of the Jury*. I find the word in *Domesday*, and in the Laws of Edward the Confessor, cap. 38. thus, — *Postea inquisisset Justitia per Lagamannos, & per meliores homines de Burgo, &c.* But in *Libro albo de Suthwel*, Ulvet the Son of Forno is said to have been Lagaman of the City of York. Where doubtless it signified some chief Officer, as Judge or Recorder.

**Lagen**, (*Lagena.*) *Fleta*, lib. 2. cap. 8, 9. In ancient time it was a Measure of six *Sextarii*. Hence perhaps our *Flagen*. *Donatio insuper de sex Lagenis olei annuatim.* *Carta 2 Ed. 3. m. 25. n. 82.* The Lieutenant of the Tower has the privilege to take *unam Lagenam vini, ante malum & retro*, of all Wine-Ships that come up the Thames. Sir Peter *Leycester*, in his *Antiquities of Cheshire*, interprets *Lagena Vini*, a Bottle of Wine. See *Minstrel*.

**Lagon**, (From the Sax. *Leſan, & Liſſan, i. Facere.*) Is that which lies in the bottom of the Sea. See *Floſon*.

**Lahlit, Laglite, Laghlite**, (*Sax. Laſ, Lex, & Illice. Ruptio.*) The breaking or transgressing the Law; and sometimes the punishment for so doing. — *Si quis Dei rectitudines per vim teneat, solvat Lahlite cum Dacis, plenam Wytam cum Anglis.* *Leg. Hen. 1. cap. 13.* See *Laſhlite*.

**Lairwite, Lecherwite, & Legergildum**, (*A Sax. Laſan, seu Laſan, Concumbere & ſice, Mulctia.*) A Fine, or Custom of Punishing Offenders in Adultery and Fornication; which privilege did anciently belong to the Lords of some Mannors, in reference to their Villains and Tenants: Which *Fleta* (lib. 1. cap. 47.) seems to infer. See 4 *Inst. fol. 206.*

**Lammass-day**, (*Anno 23 Hen. 8. cap. 4.*) Is the first of August, and so called *quasi Lamb-Mass*: On which day the Tenants that held Lands of the Cathedral-Church of York, (which is dedicated to St. Peter ad Vincula,) were bound by their Tenure to bring a live Lamb into the Church at High-Mass, on that day. See *Gule of August*.

**Lanceti**. — *Volo etiam quod habeant omnia amerciamenta hominum suorum, tam liberorum quam Lancetorum in Letia mea.* *Carta Wil. de Albino Cœnobio Wimundham.* These *Lanceti* were *agricole quadam sed ignote speciei.* *Spelm.*

**Landā**, A Lawnd, or open Field, without Wood. *Robertus Comes Legeſtretrie Radulpho Pincerna & omnibus Baronibus & fidelibus suis salutem. Sciatis me dedisse servo Dei Malgero Monacho in Eleemoſina parvam Landam, ad Mansiones & oratorium ibidem faciend. Testibus, &c. Sine dat.*

**Landbor**, (a Sax. Land, i. Terra & boc, Liber,) A Charter or Deed, whereby Lands or Tenements are held or given. — *Ut prefata Abbatissa prænominatam terram, scil. centum Manentium*

*Manentium cum libris, quos Angli dicunt Land-bor.*—in perpetuam hereditatem traderet. Concil. Synodale apud Clovesho, Anno Dom. 822. Sic Anglo-Saxones Chartas & Instrumenta munerarum, prædiorum cessiones, jura & firmitates continentia. Spel.

**Landegandman**, Was one of the inferior Tenants of a Mannor: *Customariorum genus seu inferiorum tenentium Manerii*, says the learned Spelman, who adds, --- *Occurrit rox in Customar. de Hecham.*

**Lan theap**, (Sax. Land-cca), from Ceaþan, to buy and sell,) A certain ancient customary Fine, paid either in Money or Cattel, at every Alienation of Land lying within some Mannor, or within the Liberty of some Borough: As at Maldon in Essex, there is yet a Custom claim'd by the same name, viz. that for certain Houses and Lands sold within that Borough, & d. in every Mark of the Purchase-Money shall be paid to the Town: Which Custom of **Lan theap** is claimed by a Grant (*inter al.*) made to that Town by the Bishop of London, Anno 5 H.4. The word is also found in Spel. de Concil. Vol. 1. fol. 502. Semier in his Sax. Dict. says, **Land-ccap**, fortasse *precium fundi pacto datum vel debitum.*

**Landgable**, (Sax. Land-gafel,) *Terra census vel redditus*, A Tax, or Rent issuing out of Land. Domesday. *Census prædialis vel tributum quod à prædiis colligitur.*—Id est pro unoquoque domum denarium. Spelm. Sine liberi & quieti ab omnibus Scottis & Geldis & Landgablis, &c. Pat. 2 Ed. 3. n. 3. per Inpex. A Land-Tax.

**Landmeters**, (*Agrimensores*.) Measurers of Land, anciently so called. *Landimera autem est terræ limes vel meta.* From the Sax. *Gemæþæ*. i. terminus.

**Landman**, (Sax. Landesman, Terriicola,) The Terre-tenant.

**Land-tenant**. Is he that actually possesses the Land, or hath it in his Manual Occupation. Anno 14 Edw. 3. Stat. 1. cap. 3. See Terre-tenant.

**Langemanni**.—*Item in ipsa Civitate erant 12 Langemanni, i. Habentes Socam & Sacam.* Domesday, tit. Lincolnshire. Sir Edw. Coke writes them *Lanemanni*, and interprets them Lords of Mannors, *habentes Socam & Sacam de tenentibus & hominibus suis.* 1 Inst. fol. 5. a.

**Lanis de cretencia Wallie Traducendis absque Custuma**, &c. Is a Writ that lies to the Customer of a Port, to permit one to pass over Wool, without paying Custom, because he hath paid it in Wales before. Reg. of Writs, fol. 279.

**Lapis marmoring**. *Qui quidem Henricus de Cliff, (Clericus Rotulorum) in magna Aula Westm. apud Lapidem marmorium in presentia Domini Cancellarii, præstitit Sacramentum*, &c. Claus. 18 Ed. 2. m. 1. Dorfo. This Marble Stone is about 12 Foot long, and 3 Foot broad, and remains to this day at the upper end of Westminster-Hall, where there is also a Marble Chair placed at the middle of it, in which our Kings

anciently sate at their Coronation-Dinner, and at other times the Lord Chancellor; but over this Marble Table and Chair are now Erected the Courts of Chancery and Kings Bench. See Orig. Jurid. fol. 37.

**Lapse**, (*Lapsus*.) Is a slip or omission of a Patron, to present a Clerk to a Benefice within six Months, after it becomes void; in which case, we say the Benefice is in *lapse* or *lapsed*. Anno 13 Eliz. cap. 12. And this *lapse* is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except only upon the Resignation of the former Incumbent, or Deprivation upon any Cause comprehended in the same Statute: In which Cases the Bishop ought to give notice to the Patron.

**Larceny**, (Fr. *Larcin*, Lat. *Larcinium*.) Is a Theft of Personal Goods or Chattels in the Owners absence; and in respect of the thing stoln, it is either great or small. *Great Larceny* is when the things stoln, though severally, exceed the value of xii d. *Petit Larceny* is when the Goods stoln exceed not that value. Of this see more in Stamf. Pl. Cer. lib. 1. cap. 15, 16, 17. *Inter minuta autem furta* (says Spelman) *quæ Forenses vocant Petit Larcenys, olim habebantur equi & bovis subtractio, ut perspicuum est ex Assis Hen. 2. Clarendonia editis, ubi sic legitur. Hæc Assis attinebit—in mardo & proditiore & iniqua combustione & in omnibus prædictis, nisi in minutis furtis & roberiis, quæ factæ fuerunt tempore guerra, sicut de equis & bobus & minoribus rebus.*

**Larding-money**. In the Mannor of Bradford in Com. Wilts, the Tenants pay to the Marquis of Winchester, their Landlord, a small yearly Rent by this Name: Which, I conceive to be for liberty to feed their Hogs, with the Mast of the Lords Woods; the Fat of a Hog being called *Lard*.

**Larous**, (Fr.) Thieves. In the Statute for View of Frank-pledge, made 18 Edw. 2. The Fourteenth Article to be given in charge at Leets is, *Of Petty Larous, as of Geete, Hens, or Sheafs of Corn.*

**Lashlite**, i. *Legis violatio*. Si quis decimam contra teneat, reddat *Lashlite cum Dacis*, Witam cum Anglis. LL. Eccles. Aluredi Regis. It denoted the Danish common forfeiture, which was Twelve Ores, every Ore valuing about xvi d. or xx d. sterling. Seldens Hist. of Tythes, pag. 203.

**Last**, (Sax.) *Left*, (Fr.) Signifies a burden in general, and particularly a certain Weight or Measure. *Last of Pitch*, Tar, or Ashes, contains Fourteen Barrels. 32 Hen. 8. cap. 14. A *Last of Hides*, or Skins, Twelve Dozen. 1 Fac. cap. 33. A *Last of Cod-Fish*, Twelve Barrels, 15 Car. 2. cap. 7. A *Last of Herring*, contains Twenty Cades, or Thousand; every Thousand, Ten Hundred; and every Hundred, Sixscore. A *Last of Coleseed* is Ten Quarters and a half; the like of Oats. A *Last of Corn*, or Rapeseed, is Ten Quarters; in some parts of England they reckon 21 Quarters to a *Last of Corn*. A *Last* of



of Wool, is Twelve Sacks. A *Last* of Leather, is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Last*. A *Last* of Pilchards is 10000. A *Last* of Powder is 24 *Firkins*, every *Firkin* weighing 100 Pound. A *Last* of *Osmonds* is Four Thousand weight. *Sed cum discederent* (mercatores) 4 *denarios de uno quoque* *Ælith habebant Rex & Comes. Sc. Cestrie. LL. Edw. Conf. apud Selden, Tit. Hon. fol. 620.*

*Last* also, in the *Marshes* of *East Kent*, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. For preservation of the said *Marshes*. See the *Hist. of Inbanking and Draining*, fol. 54.

*Last Heir*, (*Ultimus Heres*.) Is he to whom Lands come by Escheat for want of lawful Heirs, that is, the Lord of whom they are held, in many Cases, but the King in others. *Quippe Rex omnium heredum ultimus est, uti Oceanus omnium fluviorum receptaculum.* *Bracton*, lib. 7. cap. 17.

*Lastage, Lestage, and Lesting.* (*Lastagium*, from the Sax. *Laſc*, i. *onus*.) A Custom exacted in some Fairs and Markets to carry things bought where one will, (according to *Rastal*.) But *Anno 21 Rich. 2. cap. 18.* it is taken for the Balance or Lading of a Ship. In a Charter of *Henry the Third*, to the Monastery of *Semplingham*, thus, — *Et sint quieti de thelonio, & portagio, & passagio, & pedagio, & Lestagio, & stallagio.* Where it is to be understood in the former signification. *Omnes homines London sint quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de thelonio, & passagio, & lastagio, & ab omnibus aliis consuetudinibus.* *Diploma Hen. 1. de Libertatibus London.*

*Lastage*, (says another Author.) Is properly that Custom which is paid for Wares sold by the *Last*, as *Herrings*, *Pilch*, &c.

*Lastage* was also used for Garbage, Rubbidge, or such like Filth, as appears by this Record, — *Et quod nullus de cætero aliqua hujusmodi immunda visceralia, exitus & intestina bestiarum, aut fimos, finaria, sterquilinia, sordes, mucos, rubbosa, Lastagium, aut alia sordida in aqua Thameſis ponat vel projiciat, &c.* *Claus. 16 Rich. 2. Dorſ. 11.*

*Lathe or Leth*, (*Lastum, Leda*.) Sax. *Læþe*.) Is a great part of a County, sometimes containing three or more Hundreds or Wapentakes; as it is used in *Kent* and *Suffex*. — *que olim subaudiens Magistratui quem Leodrevium appellabant.* — *Et quod Anglice vocabant 3 vel 4 Hundreda, isti vocabant pphinsa. In quibusdam vero provinciis, Anglice vocabant Læþ, quod isti dicunt Trihinge. Quod autem in Trihinge desiniri non poterat, ferebatur in Scyram, i. in Curiam Comitatus: LL. Edw. Conf. cap. 35.* — *Et sint quieti de scitis Comitatum, Læþ, Hundred. & auxiliis Vicecomitum. Pat. 1 Hen. 4. par. 8. m. 8.*

*Latimer*, Seems to be used by *Sir Edw. Coke* for an Interpreter. 2 *Part. Inst. fol. 515.* *Cam.* agrees, that it signifies a Truchman, or Interpreter, and says the word is used in an old Inquisition. *Britan. fol. 598.* and may be derived or corrupted from the Fr. *Latinier*. q. d. *Latiner*.

*Latitat*, Is the name of a Writ whereby all Men in Personal Actions are called originally to the *Kings Bench*. *Fitz. Nat. Br. fol. 78.* which hath this name, upon a supposition, commonly untrue, that the Defendant doth *lurk and lie hid*: For *Latitare est se maliciose occultare animo fraudandi creditores.* The true original of this Writ, is this: In ancient time whilst the *Kings Bench* was moveable, the Custom was, when any Man was to be sued, to send forth a Writ, to the Sheriff of the County of *Middlesex*, where the Court was Resident, called a *Bill of Middlesex*, to take him; whereupon the Sheriff returned *Non est inventus in Baliva nostra, &c.* Then was a second Writ sued forth, that had these words, — *Cum Testatum est quod Latitat, &c.* And thereby the Sheriff willed to attach him in any other place, where he might be found: And when the Tribunal of the *Kings Bench* came to be settled at *Westminster*, the former course of Writ was kept for a long time, first sending to the Sheriff of *Middlesex*, to summon the Party; and if he could not be found there, then to apprehend him wheresoever: But afterwards, by the contrivance of Clerks, and upon a pretence of Expedition of Justice, it was at last devised to put both these Writs into one, and so to attach the party complained of, upon a Supposal or Fiction, that he was not within the County of *Middlesex*, but lurking elsewhere; and that therefore he was to be apprehended in any place else, where he was presumed to *lie hid*, by a Writ directed to the Sheriff of the County where he is suspected to be.

*Launegays*, (*Anno 7 Rich. 2. cap. 13.*) A kind of offensive Weapons now disused, and prohibited by the said Statute.

*Law*, (*Lex*.) From the Saxon *Laſ* or *Lauſh*.) The Law of *England* is divided into Three Parts: The Common Law, which is the most Ancient and General Law of the Realm; Statutes or Acts of Parliament; and thirdly, Particular Customs, I say, particular; for if it be the General Custom of the Realm, it is part of the Common Law. *Coke on Littl. fol. 15. b.* *Bracton* defines it to be *Sanctio iusta iubens honesta & prohibens contraria.* And the Divine Schoolman says, *Lex humana est quoddam dictamen rationis, quo diriguntur humani actus.* See *Merchenlage*.

*Law* hath also a special signification, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the curtesie of *England*. *Anno 13 Edw. 1. cap. 3.* To *Wage Law*, (*Vadiare Legem*.) and to make, or do *Law*, (*Facere Legem*.) *Bracton*, lib. 3. tract. 2. cap. 37. When an Action of Debt is brought against one, upon some secret Agreement or Contract,

as in an Action of Detinue for Goods, Money, or Chattels, lent or left with the Defendant, the Defendant may *Wage his Law*, if he will, that is, swear, and certain Persons with him, that he detains not the Goods, or owes nothing to the Plaintiff, in Manner and Form as he hath declared, which is intended, by Law, to be only in case of the Plaintiffs want of Evidence, and when he cannot prove his Surmise by any Deed, or open Act. When one *wages his Law*, he shall bring with him so many of his Neighbors, as the Court shall assign, (Sir Edward Coke says, Eleven,) to swear with him. That they think in their Consciences he hath sworn truly; who in the Civil Law are called *Compurgators*. The Offer to make the Oath is called *Wager of Law*; and when it is accomplished, it is called *The making, or doing of Law*. See *Glarvill, lib. 1 cap. 9 & 12*. Anciently *Laga* was used as Latin for Law. — *Lagam Regis Edwardi vobis reddo, &c. Magna Chart. Hen. 1. Anno 1 Rich. 3. cap. 2. — 31 Hen. 6. cap. 6. Coke on Littl. fol. 155. & 295.* who says it is called *Wager of Law*, because in old time the party did engage with surety, to make his Law by such a day: *Legem vadiare, est cautionem dare de perimplendo Legi exigentiam in re litigata; ut de prestando Sacramento ad indictam diem, cum indicto consacramentalium seu conjuratorum numero.* Spelman. And was a custom anciently used among the Egyptians, as Boemus, in his Book *De moribus Gentium*, inform us.

**Law of Arms,** (*Lex Armorum*.) Is that which gives Precepts, how rightly to proclaim War, to make and observe Leagues, to assault the Enemy, and to punish Offenders in the Camp.

**Lawyer,** (*Legista, Legisperitus, Jurisperitus*;) Our Saxons called him *Lahman*.

**Law-Merchant,** (*Lex Mercatoria*.) Is become a part of the Laws of this Realm; for if there be two Joynt-Merchants of Wares, and one of them dies, his Executor shall have the Moyety, which is not so in the case of others not Merchants. *Coke on Littl. fol. 182. Anno 13 Edw. 1. Stat. 3. & 27 Edw. 3. cap. 8.*

*Carta Mercatoria, 31 Edw. 1. m. 4.* Grants this perpetual Privilege to Merchants coming into this Realm, *Quod omnes Balivi, Ministri Feriarum, Civitatum, Burgorum & Villarum Mercatoriarum Mercatoribus antedictis comparentibus coram eis celerem Justiciam facient de die in diem sine dilatione, secundum Legem Mercatoriam, de universis & singulis que per eandem Legem poterunt terminari.*

**Law Spiritual,** (*Lex Spiritualis*.) Is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law, (whereof the King's Prerogative is a principal part,) nor against the Statutes and Customs of the Realm. And regularly according to such Ecclesiastical Laws, the Ordinary, and other Ecclesiastical Judges, do proceed in Causes within their Cognizance. *Coke on Littl. fol. 344.*

**Law of the Staple,** (*27 Edw. 3. Stat. 2. cap. 22.*) Is the same with *Law-Merchant*. See *4 Inst. fol. 237, 238. And Staples.*

**Law of Warque,** (*Anno 27 Edw. 3. Stat. 2. cap. 17.*) From the German word *Warch*, i. *Limes*, a Bound or Limit; because they, that are driven to make use of this Law, do take the Shipping or Goods of that People, of whom they have received wrong, and cannot get ordinary Justice, when they can take them within their own Bounds or Precincts. See *Reprisals*.

**Laws of Molmucius.** See *Molmucian Laws*.

**Laws of Oleron.** See *Oleron-Laws*.

**Law-day,** (*Lagedayum*.) Is otherwise called *View of Frank-pledge*, or *Court Leet*. *Anno 1 Ed. 4. cap. 2.* it is used for the County Court. — *Et quod terre eorum imperpetuum quiete sint de feodis Comitatum & Hundredorum nostrorum, de visu Franci plegii & Lawdayorum, de Turno & auxilio Vicecomitum, &c. Carta 39 Hen. 3. m. 5. — Una cum omnibus Scdis Lagedayorum. x. Scriptor.*

**Lawing of Dogs,** Mastiffs must be lawed every three years. *Cromp. Juris. fol. 163.* that is, Three Claws of the Fore-foot shall be cut off by the Skin. *Char. Forestæ, cap. 6.* or the Ball of the Fore-foot cut out. See *Expeditate* and *Pellota*.

**Lawless Court.** On *Kingshil* at *Rochford* in *Essex*, on every *Wednesday* morning next after *Michaelmas* day, at *Cocks-crowing*, is held a Court, vulgarly called, *The Lawless Court*. They whisper, and have no Candle, nor any Pen and Ink, but a Coal; and he that owes Sure or Service there, and appears not, forfeits double his Rent every hour he is missing. This Court belongs to the Honor of *Raleigh*, and is called *Lawless*, because held at an unlawful or lawless hour, or *Quia dicta sine Lege*. The Title of it, in the Court Rolls, runs thus;

*Kingshil in } ff. Curia de Domino Rege,  
Rochford. } dicta sine Lege.*

*Tenta est ibidem  
Per ejusdem consuetudinem,  
Ante ortum solis,  
Luceat nisi solus,  
Senescallus solus  
Nil scribit nisi colis,  
Toties voluerit,  
Gallus ut cantaverit,  
Per cujus solum sonitum,  
Curia est summonita,  
Clamat clam pro Rege,  
In Curia sine Lege,  
Et nisi citò venerint,  
Citius penituerint,  
Et nisi clam accedant,  
Curia non attendat,  
Qui venerit cum lumine,  
Errat in regimine:  
Et dum sunt sine lumine,  
Capti sunt in crimine:  
Curia sine cura,*



*Furati de injuria,*  
Tenta ibidem die Mercurii (ante diem,) proximi post Festum Sancti Michaelis Arch-angeli,  
Anno Regni Regis, &c.

This Court is mentioned in *Cam. Britan.* though imperfectly; who says, this servile Attendance was imposed on the Tenants, for conspiring at the like unseasonable time to raise a Commotion; fol. 441.

**Laukeleis-Man,** (Sax. Lauðhelefs-Man, ex-lex,) Is otherwise called an Outlaw. *Pro exlege tenebitur, cum Principi non obediat nec legi, & tunc utlagabitur sicut ille qui est extra legem, sicut Lauqueles-Man.* Bract. lib. 3. de Corona, cap. 11.

**Lawnd.** See *Landa.*

**Layd-land,** (Terra inculta, novale,) Land that lies untilld.

**Laystall,** (Sax.) A place to lay Dung Soil or Rubbish in, mentioned in the Statute for better cleansing and paving the Streets of London. Annis 22 & 23 Car. 2.

**L'a qf Parn,** (Stat. 22 & 23 Car. 2. cap.—) Every Lea of Yarn at Kedderminster shall contain 200 Threads, reeled on a Reel four Yards about.

**Leap-year.** See *Bissextile.*

**Lease** (from the Fr. *Laisser*, i. Relinquere, Permittere,) Is a Demise or Letting of Lands, Tenements, Right of Common, Rent or any Hereditament to another, for Term of Years or Life, for a Rent reserved. If the Lease be written, it is said to be an *Indenture*, *Deed-Poll*, or *Lease in Writing*; if made by word of Mouth, it is called a *Lease Parol*. The Party that lets this Lease, is called the *Leassor*, and he, to whom it is made, the *Leassee*. A Lease hath in it Six Points or Parts; First, Words importing a Demise. Second, A Lessee named. Third, A Commencement from a day certain. Fourth, A Term of Years. Fifth, a Determination. Sixth, A Reservation of Rent. *Coke*, vol. 6. *Knights Case*, fol. 55.

**Leherwite alias Legerwite.** See *Lairwite.*

**Leccator,** A riotous debauched Person, a Lecher, a Whoremaster. *Sciant—quod ego Johannes Constabularius Cestrie dedi—Hugoni de Dutton, & Heredibus suis Magistratum omnium Leccatorum & Meretricum totius Cestresbire sicut iberiis illum Magistratum teneo de Comite. Salvo jure meo mihi & heredibus mei. Sine dat. sed circa annum 1220.*

**Leet,** (Leta, visus Franci-plegii,) Otherwise called a *Law-day*: This Court, in whose Mannor soever kept, is accounted the Kings Court; because the Authority thereof is originally belonging to the Crown, and thence derived to inferior Persons, and is a Court of Record. It enquireth of all Offences under *High Treason*, though it cannot punish many, but must certify them to the Justices of Assize, by Stat. 1 Ed. 3. cap. ult. Of which, see 4 Inst. fol. 261. And the Stat. 8 Edw. 2. *Hec est Curia prisca*

*illa, (says Spelman.) que inter Saxones ad Friborgos, Decanias, Tenmentales pertinebat. Leet comes from the Sax. Læt, i. Censura, arbitrium, or from Læt-an, Censere, aestimare. Quod in hac olim Curia de damnis aestimabatur inter vicinos emergentibus, ut patet in LL. Edw. Conf. cap. 20. See Sir William Dugdale's Warwickshire, fol. 2.*

**Lega & Lacta,** Anciently the alloy of Money was so called. *Debita nummi temperies, quam veteres Legam & Lactam (ni fallar) appellabant.* Spelm.

**Legacy,** (Legatum,) Is a particular thing given by a last Will and Testament; and he, to whom such Legacy is given, is called a *Legatee*.

**Legalis Homo,** Is taken for him, who stands *Rectus in Curia*, nor Outlawed nor Excommunicated, nor Defamed; and, in this sense, are those words so often used *Probi & legales homines*. Hence *Legality* is taken for the condition of such a Man:—*Ipse tamen malefactor—tradat fidejussores de pace & legalitate tuenda, i. Sureties for his Good Behavior.* LL. Edw. Conf. cap. 18. See *Yoman*.

**Legatarie,** (Legatarius,) He or she to whom any thing is bequeathed, a *Legatee*. Spelm. says, It is sometimes used *Pro Legato vel Nuncio*.

**Legatozie,** (Anno 27 Eliz. cap. 16.) The same with *Legatary*.

**Legergild & Legerwit,** (Legergildum,) The same with *Lairwite*. But in the Laws of Hen. 1. cap. 12. it seems to have a different signification. *Siquis Dei fugitivum habet injuste, reddat eum ad rectum, & persolvat ei cujus erit, & Regi emendat secundum Legergildum.*

**Legespend.** See *Lespend.*

**Legitimation,** (Legitimatio,) A making Lawful or Legitimate.

**Lene.** See *Ewagium*.

**Lent,** (from the Sax. *Lencen-Fæsten*, i. *Jejunium vel tempus quadragesimale*, The Spring Fast,) A time of Fasting for forty days, next before *Easter*; mentioned in the Stat. 2 & 3 Edw. 6. cap. 19. And (according to Sir Rich. Baker, Chron. fol. 7.) first commanded to be observed in England by *Ercombert*, Seventh King of Kent, before the year 800.

**Lep and Lacc,** (Leppe & Lasse,) Is a Custom within the Mannor of *Whittel*, (in Com. Essex,) that every Cart that comes over a part thereof, called *Greenbury*, (except it be the Cart of a Nobleman,) pays four pence to the Lord of the Mannor. This *Greenbury* is conceived to have anciently been a Market place, and therefore had this Privilege granted. *Tobias Edmonds, Gen. Senescal. ibid.*

**Leporarius,** A Grey-hound for the Hare. — *Concedo eis duos Leporarios & quatuor Bracatos ad leporem capiendum in Foresta nostra de Effexia.* Mon. Angl. 2 par. fol. 283. a. See *Chatzurus*.

**Leposo amovendo,** Is a Writ that lies for a Parish to remove a *Leper* or *Lazar*, that thrusts himself into the Company of his Neighbors, either

either in Church or other Publick Meetings to their Annoyance. *Fitz. Nat. Br. fol. 234.*

**Le Roy le veut**, By these words the Royal assent is signifi'd, by the Clerk of the Parliament, to publick Bills, which gives birth and life to them, which before were but *Embrios*. And to a private Bill, his Answer is, *Soit fait comme il est désiré.*

**Le Roy s'aviserà**, By these words to a Bill presented to the King by his Parliament, are understood his absolute denyal of that Bill, in a more civil way, and the Bill thereby becomes wholly null'd.

**Lepegeo** (Sax. *Le-pe-gen*, i. *Baro minor*) -- *Sint sub quolibet horum quatuor ex mediocribus hominibus (quos Angli Lepegegend nuncupant, Dani vero Þoung men vocant) locati, qui curam & onus tum viridis tum veneris suscipiant.* Constitut. Canuti Regis de Foresta, Art. 2.

**Leitage**. See *Leitage*.

**Leutium** (LL. Gul. 1. cap. 6.) seems to signify a Fine or Mulk; from the Sax. *lase*, onus.

**Leith**. See *Leith*.

**Leitherwite**. 2 *Inst. fol. 488.* This is doubtless there mistaken, or false Printed for *Lecherwite*. See *Lairwite*.

**Letters of absolution**, or **Absolatory Letters**, (*Litteræ absolutoriae*) were such in former times, when an Abbat did release any of his Brethren, *ab omni subjectione & obedientia*, &c. and made them capable of entring into some other Order of Religion. The form of which you may see in *Mon. Favershamensi*, pag. 7.

**Letters Patent** (*Litteræ Patentis*) Are Writings, sealed with the Great Seal of England, whereby a Man is enabled to do, or enjoy that, which otherwise of himself he could not. Anno 19 Hen. 7. cap. 7. And they are so called, because they are open, ready to be shewed for confirmation of the Authority thereby given. **Letters Patent** may be granted by common persons, but they are rather called *Patents*; yet for distinction, the Kings Letters Patent are sometimes called *Letters Patent Royal*. Anno 2 Hen. 6. cap. 10. **Letters Patent** conclude with *Teste me ipso*, &c. Charters, with *Hiis testibus*. 2 Part *Inst. fol. 78.* They are sometimes called also, *Letters overt*. En *Tesmoignance de quel chose nous avons fait faire cestes noz Letters overtez*. Par. 23. Ed. 3. p. 2. m. 24.

**Letter of Attorney** (*Littera Attornati*) Is a writing authorising an Attorney, that is, a Man appointed to do a lawful act in our steads. *West. pa. 1. Symb. lib. 2. sect. 559.* As a *Letter of Attorney* to give Seisin of Lands, thus anciently.

**P**ateat universis per presentes quod ego Johannes Gour Dominus de Peodelestone Attornavi loco meo dilectum mihi in Christo Johannem Hending ad ponendum William Nasche & Rogerum Nasche in plena & pacifica seisina in omnibus illis terris, & tenementis cum pertin. suis, quas & quas habeo in Orleton prout in carta Feoffamenti dictis Will. & Rogero inde confecta plenius continetur. Ra-

um habens & gratum quicquid dictus Johannes nomine meo fecerit in premissis. In cujus, &c. dat. 43. Ed. 3.

**Letters of Marq**— See *Marq* and *Reprisals*.

**Levant and Couchant**, Is, when Cattel have been so long in another Mans Ground, that they have lain down, and are risen again to feed; in ancient Records *Levantes & couchantes*, See *Falda*.

**Levari facias**, Is a Writ directed to the Sheriff for the levying a Sum of Money upon his Land and Tenements, who has forfeited a Recognizance. *Reg. of Writs, fo. 298. b.*

**Levari facias damna de disseisoribus**, Is a Writ directed to the Sheriff, for the levying Damages, wherein the Disseisor has formerly been condemned to the Disseeitee. *Reg. of Writs, fo. 214. b.*

**Levari facias residuum debiti**, Is a Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that has been in part satisfi'd before. *Reg. of Writs, fol. 299.*

**Levari facias quando vicecomes retinuerit quod non habuit emptores**, Is a Writ commanding the Sheriff to sell the Goods of the Debtor, which he has already taken and returned, that he could not sell. *Reg. of Writs, fol. 300. a.*

**Leuca, Leuga, and Leuva**, (Lat.)— *quodam Parco ibidem, contingente in circuitu tres Leucas & vocatur Keribulloc cum haya & muro incluso*— Item quadraginta Perticas ad quarantenam & 12 quarantenas ad Leucam. MS. of the Duchy of Cornwall. It seems here to be used for a Mile. See *Burtons Comment. on Anton. Itinerary, fol. 29.*

**Levy**, (*Levare*) Signifies to gather, or exact, as to levy Money; and is sometimes used to erect or set up, as to levy a Mill. *Kitchin, fol. 180.* Also to raise or cast up, as to levy a Ditch. *Old Nat. Br. fol. 110.* And to levy a Fine, which is now the usual term; but, I have seen a Deed, wherein William St. George Esquire covenants to revere a Fine of the Mannors of Brandon and Wyche-hampton. Dat. 17. Hen. 6.

**Lex Brebonia** See *Brebon*.

**Lex Bretoille**, The Law of the Britans, or Marches of Wales, *Lex Marchiarum*. See *Bretoyse*.

**Lex deraisina**, rectius *Deraisina*, Is the proof of a thing, which one denies to be done by him, and his Adversary affirms it; defeating and confounding the Assertion of his Adversary, and shewing it to be without, and against reason or probability. *Juris membrum est Normannici, quod in prisco ejusdem Custumario, ca. 125. sic definitur.* Deraisina autem est Lex quedam in Normania constituta, per quam in simplicibus querelis, infecutus, factum quod a parte adversa ei obijciatur, se non fecisse declarat. Vide plura ibidem & *Dercyn*.

**Lex Wallensis**, the British Law, or Law of Wales. *Statut. Wallia.*



**Wep wager.** (*Anno 1 Car. 1. c. 3.*) Wager of Law. See Law.

**Wep, (Lex.)** See Law.

**Libel, (Libellus.)** Literally signifies a little Book; but by use it is the original Declaration of any action in the Civil Law, *An. 1. Hen. 5. ca. 3. & 2 Ed. 6. ca. 13.* It signifies also a scandalous report of any man cast abroad, or otherwise unlawfully published in Writing; but then, for difference sake, it is called *famosus libellus*, an infamous Libel. See *Coke lib. 5. fol. 124, 125. & 3 Inst. fol. 174.* See Rime.

**Libello habendo.** See *Copia libelli deliberanda.*

**Liber taurus,** A free Bull. — *Comperit per Fur. quod Will. de Losa fuit seiscitus de libero Tauro habendo in Hamsted, &c. — Ideo consideratum est, quod predictus W. recuperet damna sua, que taxantur per Fur. ad iv s. pro imparcatione ejusdem Tauri, &c. Norf. 16. Ed. 1.*

**Libera batella,** A free Boat. — *Per liberam batellam, hoc est, habere unam cimbam ad piscand. subter pontem Cestrie & supra Etonam, & ibidem cum omni genere rerum. Plac. in Itin. apud Cestriam 14 Hen. 7.*

**Libera chasea habenda,** Is a Writ Judicial, granted to a man for a free chase belonging to his Mannor, after he has, by a Jury, proved it to belong to him. *Reg. of Writs Judicial, fol. 36. and 37.*

**Libera Wara.** See Wara.

**Liberate,** Is an original Writ, issuing out of the Chancery to the Treasurer, Chamberlans, and Barons of the Exchequer, or Clerk of the Hamper, &c. for the payment of any annual pension, or other sum granted under the Great Seal; or to a Sheriff, to deliver possession of Lands and Goods extended. See *Broke tit. Taile d' Exchequer, & 4 Inst. fol. 116.*

**Liberate probanda,** Was a Writ that lay for such as were challenged for Slaves, and offered to prove themselves free, &c. *Fitz. Nat. Br. fol. 77. Villenage, and the several appendices thereof, viz. Infranchisement, Writs de Nativo habendo & Liberate probanda, and the pleadings and trials relating thereunto, were great Titles in the old Books, but now antiquated by time. Pref. to Rolls Abridg.*

**Libertatibus allocandis,** Is a Writ, that lies for a Citizen or Burges, (that, contrary to his liberty, is impleaded) to have his privilege allowed. *Reg. of Writs, fol. 262.*

**Libertatibus erigendis in itinere,** Is a Writ whereby the King wills the Justices in Eyre to admit of an Attorney for the defence of another Mans liberty before them. *Reg. of Writs, fol. 19.*

**Liberum Verbagium.** See Herbagium.

**Librata terræ,** Contains four Oxgangs, and every Oxgang 12 Acres. *Schene, verbo Bovata terræ;* with us it is so much land, as is yearly worth xx s. For in *Hen. 3.* time, he that had *quindecim libratas terræ,* was to receive the Order of Knighthood. See *Fardingdeal.*

**Libræ arse; pensatæ & ad numerum,**

often mentioned in *Domesday*, signifies, Money try'd for their alloy by fire, paid by weight, and by number or tale. *Camb. Rem. See Spelm. Gloss, voce Libra.*

**Licence to arise, (Licentia surgendi,)** Is a liberty, or space of time, given by the Court to a Tenant, to arise out of his bed, who is essoyned *de malo lecti*, in a real action. See *Bracton, lib. 3. Trañ. 2. ca. 7. 10. & 12.* And *Horns Mirror, ca. des. Essoins.* *Licentia surgendi* is the Writ thereupon. *Reg. fol. 8.*

**Licentia transfreandi,** Is a Writ or Warrant directed to the keepers of *Dover-Port, &c.* willing them to let such pass over-Sea, who have formerly obtained the Kings Licence thereunto. *Reg. of Writs, fol. 193.*

**Licentia concoquandi.** (*Anno 12 Car. 2. ca. 12.*) See *Kings-silver.*

**Lieftenant, or Lieutenant, (Locum-tenens,)** The Kings Deputy, He that exercises the Kings, or any other persons, place, or represents his person: As the *Lieutenant of Ireland, Anno 4 Hen. 4. ca. 6. and 2 & 3 Edw. 6. ca. 2.* whence that Officer seems to take his beginning. *Lieutenant of the Ordnance, Anno 39. Eliz. cap. 7.*

**Lite-rent,** Is a Rent or Exhibition, — which a Man receives either for Term of life, or for sustentation of life. *Nota quod Eschaeta terrarum felonis post annum & diem, (viz. his Lite-rent,) ipso vivente computatur inter bona mobilia. Skens ad Quon. Attach. cap. 18. vers. 5.*

**Lieges, and Liege-people, (Legati,)** The Kings Subjects, anciently so called, because they owe, and are bound to pay, Allegiance to Him. *Anno 8 Hen. 6. cap. 10. 14 Hen. 8. cap. 2.* and divers other Statutes: Yet antiently private persons had their Lieges.

*Reinaldus Dei gratia Abbas Ramsie, Prapost. & hominibus de Brancestre & omnibus vicinis Francis & Anglis, salutem. Sciatis me dedisse terram Ulf in depedene, (hodie Depedale) huic Boselino & uxori ejus Alfnie, ita bene sicut homines de Brancestre illum testificant verum habuisse, ea condicione quod effecti sunt homines Liges. Lib. Rames. Sect. 244.*

*Omnibus, &c. Reginaldus Rex Insularum salutem. Sciatis quod deveni homo ligeus Domini Regis Anglie Johannis contra omnes mortales quando vixero, & inde ei fidelitatem & sacramentum prastiti, Et in hujus rei testimonium hanc cartam meam inde feci. T. Domino F. Wini. Episcopo. MS. penes Wil. Dugdale Ar. See Ligeancy.*

**Lierwit.** See Lairwit.

**Ligeancy, (Ligantia,)** From the Ital. *Liga.* a League or Bond; *Vinculum arctius inter subditum & Regem utroque invicem connectens; hunc ad protectionem & justum regimen, illos ad tributa & debitam subjectionem* Is such a Duty, or Fealty, as no man may owe, or bear to more than one Lord; and therefore it is most commonly used for that Duty and Allegiance, which every good Subject owes to his *Lige-Lord* the King.

**Sovereign Lord, I Henry Percy become your Subgette and Leige Man, and promit to God and you, that hereafter I Faith and Trough shall bear to you, as to my Sovereign Leige Lord, and to your Heirs, Kings of England, of life and limme, and of earthly worshippe, for to live and die ayeinst all erthly People, and to you, and to your Commandments I shall be obeyfant, as God me help, and his Holy Evangelists.** 27 Oct. 9 Ed. 4. Claus. 9 Ed. 4. m. 13. in dorso. See Lieges.

**Ligeance**, (*Ligeantia* a *Ligand*.) Is a true and faithful obedience of the Subject to his Sovereign. Sometimes it signifies the Dominion or Territory of the Leige-Lord. As *Anno* 25 Ed. 3. Stat. 2. **Children born out of Ligeance of the King.** Also the same with *Ligeancy*. See *Coke on Litt.* fol. 129. a. and *Calvin's Case*. 7 Rep.

**Lighter-men**, (22 & 23 Car. 2. *Act for cleansing, &c. the streets of London*) are those that carry away, by Water, Dung and Rubbish in *Lighters*, from the City of London.

**Limitation of Assize**, (*Limitatio Assize*) Is a certain time set down by Statute, wherein a Man must allege himself, or his Ancestors, to have been seized of Lands, sued for by a Writ of *Assize*. See the Stat. of *Merton*, cap. 8. and *Westm.* 1. cap. 38. So it is used in *Old. Nat. Br.* fol. 77. in these words, *The Writ de Consecutionibus & servitiis hys, where I, or my Ancestors, after the limitation of Assize, were not seized of the Customs, &c. But before the limitation of Assize we were seized, &c.*

**Linarium**, A place where Flax is sown, a Flax-plat.—*Et Messuagium quod est juxta cimiterium, cum linario, quod jacet juxta predictum Messuagium.* Pat. 22 Hen. 4. Par. 1. m. 33.

**Litera**, (From the Fr. *Litiere*, al. *Litiere*, and that from *Lectum*, a Bed) was anciently used for Straw for a Bed, even the Kings Bed.—*Finem fecerunt cum Rege pro terris quas dictus Petrus tenuit—per Seriantiam inveniendi unum servientem cum Hambergello per 40 dies in Anglia, & inveniendi Literam ad Lectum Regis, fenum ad Palfridum Regis quando jacuerit apud Brokenerst, &c.* Fines Term. Hill. 1 Ed. 2. in Com. Wiltes.—*Tres Carretatas Litera*, for three Cart-loads of Straw or Liter. Mon. Angl. 2. par. fol. 33. b.

**Lib of Pickering**, In the County of York, i. e. The Liberty, or a Member of *Pickering*; from the Sax. *Lid*. i. e. *Membrum*.

**Livery**, (from the Fr. *Livre*, i. *Insigne*, *Gestamen*.) Signifies a Hat, Coat, Cloak or Gown, which a Noble, or Gentleman gives to his servants or followers, with cognizance or without, and is mentioned in 1 *Rich.* 2. cap. 7. and 3 *Car.* 1. cap. 4. and divers other Statutes. See *Resteiner*. Also, before the Stat. of 12 *Car.* 2. cap. 24. it did signifie a delivery of possession to those Tenants, which held of the King in *Capite*, or *Knights-service*; for, the King, by

his Prerogative, had *primer seisin*, or the first possession of all Lands and Tenements so holden of him. *Stamf. Prerog. cap.* 3. fol. 12. it was in the nature of a Restitution, says Sir *Edward Coke*. And the Writ which lay for the Heir to obtain the possession, or seisin of his Lands at the Kings hands, was called his *Livery*, *Fitz. Nat. Br.* fol. 155. but by the said Statute, all Wardships, Liveries, &c. are taken away and discharged.

**Liberty of land.** See *Vadlak*.

**Livery of seisin**, (*Deliberatio seisinæ*, Is a delivery of possession of Lands, Tenements, or other corporal thing, (for, of things incorporeal no *Livery of seisin* may be) to one that has right, or a probability of right thereunto. For, (as *Bracton* says, *lib.* 2. cap. 18. *numb.* 3.) *Traditio debet esse vestita, & non nuda*. It is a Ceremony used in conveyance of Lands or Tenements, where an estate in Fee-simple, Fee-tail, or a Freehold passeth: And, it is a testimonial of the willing departure of him, who makes the *Livery*, from the thing whereof *Livery* is made. And the receiving of the *Livery* is a willing acceptance by the other party of all that, whereof the other hath divested himself. The common manner of delivery of *Seisin*, is thus: If it be in the open Field, where is no House, nor Building, and if the Estate pass by Deed, one openly reads it, or declares the effect of it, and after that is sealed; the Vendor takes it in his hands, with a clod of Earth upon a twig or bough, which he delivers to the Vendee, in the name of Possession or *Seisin*, according to the effect of the Deed: But if there be a House or Building upon the Land, then this is to be done at the door of it, (none being left at that time within the house) and the Ring of the door delivered to the Vendee, who enters alone, shuts the door, and presently opens it again. If it be a House, without Land or Ground, the *Livery* is made, and Possession taken, by delivery of the Ring of the Door, and Deed only. And where it is without Deed, either of Lands or Tenements, there the party declares by word of Mouth, before witnesses, the Estate he parts with; and then delivers *Seisin* or Possession in manner aforesaid: And so the Land or Tenement passeth as well as by Deed, and that by force of the *Livery of Seisin*. See *West.* par. 1. *Symbol. lib.* 2. sect. 196. and *Coke on Litt.* fol. 48. a. There was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, &c. delivered in sign or token of *Livery* and *Seisin*.—*quam donationem, per unum cultellum super Altare Sanctæ Mariæ optuli, assistente Priore, &c.* Carta Rob. Comitis Nottinghamiæ, Anno 1142.

**Local** (*Localis*) Tied or annexed to a place certain: As the thing is local and annexed to the Freehold, *Kitchin*, fol. 180. An Action of Trespass for Battery, &c. is transitory, not local, that is, not needful that the place of the Battery should be set down, as material in the Declaration, or if it be set down, that the De-

Y y fendant



fendant should Traverse the place set down , by saying he did not commit the battery in the place mentioned in the Declaration , and so avoid the Action. And again, fol. 230. the place is not local, that is not material to be set down in certainty, or that the Action should be tried or laid in the same Country where the Fact was done. The gard of the person , and of the Lands, differs in this ; because the person, being transitory, the Lord might have his *Ravishment de Gard*, before he was seised of him , but not of the Land, because it is local. *Perkins. Grants*, 30.

**Locus Partitus**, Signifies a Division made between two Towns or Counties, to make tryal in whether, the Land or Place in question lies. *Fleta*, lib. 4. cap. 15. num. 1.

**Lode-Ship**, A kind of Fishing-Vessel, mentioned 31 *Edw.* 3. cap. 2.

**Lodeworks** (From the Sax. Lada, a Water-courle) one of the Works belonging to the *Stannaries* in *Cornwal* ; for which, see *Stremerworks*.

**Lodemerege**. — *Item en droit de Lodemerege dient les avantditz Jurez, que leur sembli cest case, ils ne scavent meilleur advise ne remedy, mays que ce soit desore user & fait per maner quest coneyne en le Ley D. Oleron.* *Pryns Animad.* on 4 *Inst.* fol. 116. *Chaucer* expounds it to be the Skill or Art of Navigation.

**Lagging**, An unlawful game, mentioned 33 *Hen.* 8. cap. 9. now disused.

**Logwood**, Is a kind of Wood , which divers use, otherwise called *Block-wood*, brought from *Campeche*, and other remote parts, and was prohibited by *Stat.* 23 *Eliz.* cap. 9. and 39 *ejusdem*, cap. 11. But since by *Stat.* 14 *Car.* 2. cap. 11. the importation and use of it is allowed.

**Loich or Loych Fish**. (31 *Edw.* 3. stat. 3. cap. 2.) And that no Fish called *Loych Fish*, be chosen or tried, but only in three parts, that is to say, *Lob*, *Ling*, and *Cod*.

**Lollardy and Lollery** (*Anno* 1 & 2 *Phil.* & *Ma.* cap. 6.) The Doctrine and Opinion of the Lollards. *Rogerus Acton miles pro Prodicionem & Lollardia distrabatur & suspendatur & sic suspensus pendeat ad voluntatem Regis.* *Middlesex Plac. Hill.* 1 *Hen.* 5. *Rot.* 7. & *Trin.* 2 *Hen.* 5. *Rot.* 6.

**Lollards** (so called from *Walter Lollard*, a German, First Author of this Sect, living about the year 1315.) Were certain Hereticks (at least, in the Opinion of those times) that abounded here in *England*, in the days of *Edward the Third*, and *Henry the Fifth*, whereof *Wickliff* was the chief in this Nation, according to *Stow* in his *Annals*, fol. 425. They are mentioned *Anno* 2 *Hen.* 5. cap. 7. Against these Lollards much was decreed by *Tho. Arundel*, Archbishop of *Canterbury*, in a Council at *Oxford*. See their Tenets in *Spotswoods History of Scotland*, fol. 61. The High Sheriff of every County was anciently bound by his Oath, to suppress them.

— You shall (says the Oath) do all your pain and diligence, to destroy, and make to cease all manner of Herefie and Errors, commonly called *Lollardies*, within your Bailiwick, from time to time with all your power, &c.

The intent of these Lollards, was, to subvert the Christian Faith, the Law of God, the Church, and the Realm ; so said the Statute of 2 *Hen.* 5. cap. 7. which was repealed 1 *Edw.* 6. cap. 12. See 3 *Inst.* fol. 41. and *Caudries Case*. *Ed. Cokes Case*, 1 *par. Croke*, fol. 25. &c. The Lord Keeper assembled all the Justices, and conceived that Clause in the Oath, touching suppressing Lolleries, should be omitted, because appointed by Statutes that are repealed : This is now held for the true Religion.

**Loquela**. *Petronilla de S. debet xx s. pro habenda loquela in Curia Domini Regis contra W. de Fauconberg.* *Rot. Pipæ* 2 *Johannis. Linc.* an *Imparlance*.

**Lord** (*Dominus*, Sax. *Hlasoþn*, signifying a Bread-giver, Bountiful, or Hospitable) Is a word of Honor with us, and used diversly. Sometimes being attributed to those, who are noble by Birth or Creation, and are otherwise called *Lords of the Parliament*, and Peers of the Realm ; sometimes to those, so called by the curtesie of *England*, as all the Sons of a *Duke* or *Marquess*, and the eldest Son of an *Earl*. Sometimes to Persons, Honorable by Office, as *Lord Chief Justice*, &c. And sometimes to an Inferior Person that hath Fee, and consequently, the Homage of Tenants within his Mannor ; for by his Tenants he is called *Lord*, and in some places, for distinction sake, *Landlord*. In which last signification, it is most used in our Law-Books, where it is divided into *Lord Paramount*, and *Lord Mesn.* *Lord Mesn* is he that is owner of a Mannor, and by vertue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll ; and yet holds himself of a Superior Lord, called *Lord Paramount*, or above him. *Old Nat. Br.* fol. 79. We likewise read of *Very Lord*, and *Very Tenant*. *Very Lord* is he, who is immediate Lord to his Tenant ; and *Very Tenant*, he that holds immediately of that Lord. So that if there be *Lord Paramount*, *Lord Mesn.* and *Tenant* ; the *Lord Paramount* is not *very Lord* to the Tenant. *Broke tit. Heriot*, num. 1.

**Lord in Gross**, Is he who is Lord, not by reason of any Mannor, as the King in respect of his Crown. *Fitz. Nat. Br.* fol. 3. and 8. where also is a Case wherein a private person is a *Lord in Gross*, as a Man makes a Gift in Tail of all the Land he hath, to hold of him, and dies ; his Heir hath but a Seigniority in *Gross*.

**Loriners or Lorimers** (Fr. *Lormier*, from the Lat. *Lorum*) Is one of the Companies of *London*, that make Bits for Bridles, Spurs, and such like small Iron ware. *Anno* 1 *Rich.* 2. cap. 12.

**Lot or Loth**, Is the thitteenth Dish of Lead, in the *Darbiſſhire Mines*, which belongs to the King, *Pro dominio ſuo*.—*Preſentatum eſt in Ragemannis per 12 de Altro Pecco, quod Rad. de Wyne fecit quandam Purpreſturam in ſolo Domini Regis in Tatington & Preſtclive, faciendo mineram plumbi, unde Rex ſolebat percipere 1. Lot mineris, i. Tertium decimum vas, &c. Rot. Rageman de quo Warranto de Itin. de Derbi. 9 Edw. 1.*—*Et de minera lucrata in huiusmodi opere in feodo Domini Regis, Dominus Rex habebat pro Dominio ſuo tertium decimum diſcum, qui dicitur le Loth. Eſchaet. de Anno 16 Edw. 1. numb. 34. See Cope.*

**Locherwit** alias **Leperwit**, Is a Liberty or Privilege, to take amends of him that deſiles ones Bond-woman without Licence. *Raſtals Expoſition of Words.* According to others, it is an amends for lying with a Bond-woman. See *Lairwit*, for *Legeſ* in Saxon, ſignifies a Bed; or *Lecherwite*, a mulct or puniſhment for *Lechery*.

**Lowregulary** (Fr. *Lourderie*, i. *Inhumanitas, incivilitas*) In *Statuto pro ſtratis London. impreſſo Anno 1573. Art. 45.* Caſting any corrupt thing, appoiſoning the Water, is *Lowregulary* and Felony; ſome think it a corruption of *Burglary*. See *Gloſſar. in decem Scriptores*, verbo, *Burglaria*.

**Lowbeilers** (Anno 23 *Eliz. cap. 10.*) Are ſuch as go with Light and a Bell, by the ſight whereof, Birds ſitting on the Ground become ſomewhat ſtupified, and ſo are covered with a Net, and taken. This name is derived from the word **Low**, which, in the Saxon, or old Engliſh, ſignifies a Flame of Fire. See the *Antiq. of Warwicksſhire*, p. 4.

**Lupanatrix**, A Baud or Strumpet. *Rex, Maiori & Vic. London, Salt. Quia intelleximus quod plures Roberie, morda—perpetrantur, per Receptatores & Receptatrices, publicas Lupanatrices in diverſis locis in Civitate noſtra predicta, &c. Clauf. 4 Ed. 1. p. 1. m. 16. dorſo.*

**Lupulicetum**, (lat.) a place or ground where Hops grow; a Hop-garden, 1 *Inſt. fol. 5. b.*

**Lulgul**—in *Scottis*, & *Geldis*, & *Danegeldis*, & *Lulgull*, & *Warpeni*, & *Nupeni*, & de omnibus conſuetudinibus quæ ad me pertinent. *Carta Hen. 2. G. G. n. 2. q.*

**Lufburgs** al. **Lurenburghs**, Was a baſe ſort of Money coyned beyond Seas, to the likenefs of Engliſh Money, in the days of *Edward the Third*, and brought in, to deceive the King and his People. To avoid which, it was made Treason, for any Man wittingly to bring in any ſuch. *Anno 25 Edw. 3. ſtat. 4. cap. 2. 3 Part Inſt. fol. 1.*

**Lymputta**—*extendens ſe a Lymputta juxta terram J. S. Liber niger Heref. a Lymepit.*

## M.

**M.** Every Perſon convicted for Murder, (*Man-ſlaughter*) and admitted to the benefit of his Clergy, to be marked with an M. upon the Brawn of the Left-thumb. *Anno 4 Hen. 7. cap. 13.*

**Macegravis** alias **Macegreſs** (*Macegravi*) Are ſuch as willingly buy and ſell ſtoln Fleſh, knowing the ſame to be ſtoln. *Britton, cap. 29. In turnis Vice-com' 12 Juratores, inter alia, preſenteront—De Macegreſs achatauns & vendams a eſcient charz embles. Cromptons Juſtice of Peace, fol. 193. a. Vide LL. Ina cap 20. de carnem furtivam emente.—De Macegraviis carnes furatas ſcientibus, vendentibus & ementibus. Stat. Wallia.*

**Machecollare** vel **Macheconlare**, (from the Fr. *Mafchecoulis*) to make a warlike device (eſpecially over the Gate of Cattle) reſembling a Grate, through which ſcalding Water, or offensive things may be thrown upon Pioners or Affailants. 1 *Inſt. fol. 5. a.*

**Madning-money**: Old Roman Coyns, ſometimes found about *Dunſtable*, are ſo called by the Country people; and retains the name from *Magnum*, uſed by the Emperor *Antonine* in his *Itinerary*, for *Dunſtable. Camd.*

**Maeremum** & **Meremum**, Is derived from the Old Fr. word *Mereſine*, for *Timber*.

*Rex—dilecto—Rogero de Horſley Conſtabulario Caſtri ſui de Baumburg ſalutem. Mandamus vobis quod homines partium predict. nuper in Caſtro predicto pro ſalvatione Corporum & rerum ſuarum contra aggreſſus Scotorum commorantes, Maeremum de logiis ſuis, nec non bona & catalla ac victualia ſua in eodem Caſtro, & in Foſſato & Mota ejuſdem exiſtentia, ſine impedimento, capere & caviare, & quo voluerint aſportare, permittatis &c. T. Rege apud Cowyk 12 Junii. Clauf. 16 Edw. 2. m. 3.*

**Magbote** or **Mægbote** (From the Sax. *Mæg*, i. *cognatus*, & *boze compenſatio*) A recompence for the ſlaying or murder of ones Kinsman. For anciently in this Nation, Corporal puniſhment for Murder, and other great offences, were ſometimes tranſmuted into pecuniary Fines, if the Friends of the party ſlain were ſo content. *LL. Canuti Regis, Par. 1. cap. 2.*

**Magiſter**. In old Writings, we find this Title often. As *His reſtibus Magiſtro Johanne de Croft*. It noted, the perſon had attain'd ſome degree of Eminency in *Scientia aliqua, præſertim literaria*; And in old time, thoſe who are now called *Docters*, were termed *Magiſtri*.

**Magna Aſſiſa Eligenda**, Is a Writ directed to the Sheriff, to ſummon four lawful Knights



Knights before the Justices of *Affise* there, upon their Oaths, to chuse Twelve Knights of the Vicinage, &c. to pass upon the *Great Affise*, between *A*. Plaintiff, and *B*. Defendant. *Reg. of Writs*, fol. 8. a.

**Magna Charta**, The Great Charter, Granted in the Ninth year of *Henry the Third*, and confirmed by *Edward the First*, and other Kings. The reason why it was so termed, was either for the excellency of the Laws and Liberties therein contained; or else, because there was another Charter, called the *Charter of the Forest*, established with it, which was the lesser of the two; or, because it contained more than many other Charters, or more than the *Charter of King Henry the First*. Or, in regard of the Wars and great troubles in the obtaining of it, or the great and remarkable solemnity, in the denouncing Excommunication and direful *Anathema's* against the infringers of it. See *Spelman's Gloss.* on this word at large, who calls it *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. So *Sir Edward Coke* says, It is *Magnum in Parvo*, and that it hath been above thirty times confirmed. *On Little. fol. 81.* It is recorded, that when *H. n. 3.* confirmed It, He swore, in the word and faith of a King, a Christian, and a Knight, to observe it.

**Magna precaria**, a great or general Reap-day. The Lord of the Mannor of *Harrow in Com. Middlesex* had (in 21 Ric. 2.) a Custom, that by summons of his Bailiff, upon a general Reap-day, (then called *Magna precaria*) the Tenants should do 199 days Work for him; every Tenant that had a Chimney, was to send a man. *Mr. Phil. of Purveyance.* pag. 145.

**Magnum Centum**—& communem pasturam ad quadringentas oves, per Magnum Centum, cum tot agnis. Carta 20 Hen. 3. m. 1. This great hundred, is sixscore.

**Maim** (*Hominiplagium vel Mahemium*) from the Fr. *Mekaigner*, i. mutilare) Signifies a Corporal hurt, whereby a Man loseth the use of any Member, that is, or may be any defence to him in Battel: As the Eye, the Hand, the Foot, Scalp of the Head, Foretooth, or, as some say, any Finger, or Toe. *Glancvil. lib. 14. cap. 7.* See *Bracton* at large, lib. 3. tract. 2. cap. 24. numb. 3. If any one shall, of malice forethought, cut out, or disable the Tongue, put out an Eye, slit or cut off the Nose or Lip, or cut off, or disable any Limb or Member of any, with intention, in so doing, to maim, or disfigure him, it is Felony without Clergy, by Stat. 22 & 23 Car. 2. ca. And when the case is difficult to judge, whether it be a *Maim*, or not, the Judges commonly behold the party wounded, and sometimes take the opinion of some able Chirurgeon. The Canonists call it *Membrum Mutilationem*. All agree, that it is the loss of a Member, or the use thereof. See *Skene, verbo, Machanimum*.

**Maiden Kents**, Is a Noble paid by every Tenant in the Mannor of *Builth in Com. Rad-*

*nor*, at their Marriage, and it was anciently given to the Lord for his omitting the Custom of *Marcheta*, whereby, some think, he was to have the first Nights Lodging with his Tenants Wife: But I rather suppose it to be a Fine for the Licence to marry a Daughter. See *Marcheta*.

**Maignagium** (from the Fr. *Maignen*, i. *Faber ararius*) A Brasiers-shop. *Idem Hugo tenebat unum Maignagium in foro ejusdem ville*, &c. *Lib. Ramei. lect. 265.* See *Corland*.

**Malle**, Anciently a kind of Money. *Eriam latius accipitur, nec tantum pro denariis pluribus, sed & portione aliqua rei frumentariae vel annonariae; hoc verò in plaga Angliæ Boreali Blackmaile dicitur, ut pecuniario illo distinguatur.* *Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 69. Lanc. Est in Ulverston quoddam proficium vocat. Geefmales, & quoddam proficium apud Plumpton, vocat. Townale. Spel. See Blackmaile.*

**Manour**, Banour, or Meinour (from the Fr. *Manier*, or *main-aver*, i. *manu tractare*) Signifies the thing, that a Thief takes away or steals. As, to be taken with the Manour (*Pl. Cor. fol. 179.*) Is to be taken with the thing stolen about him (*Flagrante delicto.*) Again, fol. 194. it was presented, that a Thief was delivered to the Viscount, together with the Manour. And again, fol. 149. If the Defendant were taken with the Manour, and the Manour be carried to the Court, they in ancient times would arraign him upon the Manour, without any Appeal or Inditement.—*Si dicti Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicumque fuerit facto, cum Mannopere, infra feodum Domini sui predicti ceperint seu attach. & si ille latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc liceat dictis Servientibus seu Balivis suis dictum latronem decollare, & dictus Dux, (Lanc.) tunc habebit omnia bona sua, &c. Plac. apud Cestriam, 31 Ed. 3. de Quo VVar. in Maner. de Halton. In Old Nat. Br. fol. 110. it is thus used, where a Man makes a thing by Manour, or levying or estopping, in such case he shall have Affise, where it signifies handy-labour, and is but an abbreviation of *Mainovery*.*

**Mainpernable**, Bailable. What Prisoners are Mainpernable, and what not. *Anno 3 Edw. 1. cap. 15.* See *Mainprise*.

**Mainport**, (*in manu portatum*) Is a small tribute, (commonly of Loaves of Bread,) which in some places the Parishioners pay to the Rector of their Church, in recompence for certain Tythes. See *Waxshot. Vicaria de Wragby*, (in *Com. Linc.*) consistit in toto Altaragio & in Ceragio, vulgariter dict. *Waxshot in panibus vulgariter dict. Mainport, & in incremento denariorum Sancti Petri, vulgariter dict. Firehatch.* *Spelman.* This Mainport bread was paid to the Vicar of *Blyth*, as you may see in the *Antiq. of Nottinghamshire.* fol. 473.

**Mainprisi**, (*Manucaprio*.) of the Fr. *Main*, i. *Manus* & *Prins*, i. *Captus*, ) Signifies the taking

king or receiving a Man into friendly custody, who otherwise is, or might be committed to Prison, upon security given for his forth coming, at a day assigned. As to let one to *Mainprise*, (*Old Nat. Br. fol. 42.*) Is to commit him to those that undertake his appearance at the day appointed. And they, that thus undertake for any, are called *Mainperners*; because they receive him into their hands. *Pl. Cor. fol. 178.* Hence the word *Mainpernable*, that may be thus bailed; For, in many cases a Man is not *Mainpernable*, whereof see *Brook, tit. Mainprise.* And *Fitz. Nat. Br. fol. 249.*

*Manwood*, (in his *1 Par. For. Laws, pag. 167.*) makes a great difference between *Bayl* and *Mainprise*; For, he that is *Mainprised*, is already said to be at large, and to go at his own liberty, after the day he is set to *Mainprise*, until the day of his appearance: But, not so, where a Man is let to *Bayl* to four or two men, by the *Lord Justice in Eyre* of the Forest, or any other Judge, until a certain day; For, there he is always accounted by the Law to be in their ward and custody for the time; And they may, if they will, keep him in Prison all that time. So that, he that is so bailed, shall not be said by the Law to be at large, or at his own liberty. Thus *Manwood*.

*Mainprise* also is an undertaking in a sum certain: *Bail* answers the condemnation in Civil Causes, and in Criminals body for body. *Cottoni posthuma.*

When *Mainprise* may be granted, and when not, see *Cromptens Justice of P. fol. 136.* and *Britton, fol. 73.* The Author of the *Mirror of Justice* says, that *Pledges* are those that Bail or redeem any thing, but the body of a Man, and *Mainperners* those, that free the body; *Pledges* therefore belong properly to real and mixt Actions, and *Mainperners* to personal. *lib. 3. ca. des Pledges & Mainperners.* See *4 Inst. fol. 179.*

*Mainsworn*, In the North, signifies as much as *Forsworn*, *Brownl. Rep. 4. Hob. rep. 8.*

*Maintainor*, (*Anno 19 Hen. 7. cap. 14.*) Is he that maintains or seconds a Cause depending in Sute between others, either by disbursing Money; or making Friends for either party, towards his help.

*Maintenance*, (*Mantenantia*) Signifies the upholding or maintaining a Cause or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the succoring a young Child that learns to go by ones hand; and is used in the evil part, *Anno 32 Hen. 8. cap. 9.* When a Man's Act, in this kind, is by Law accounted *Maintenance*, and when not, See *Brooke, tit. Maintenance*; and *Kitchin, fol. 202.* There lies a Writ against a Man for this offence, called a *Writ of Maintenance*, See *Coke on Litt. fol. 368. b.*

*Maison dieu*, (Fr.) An Hospital, or Alms-house. See *Maison dieu*.

*Maisura*—*Baldwinus Comes Exon. Omnibus Baronibus suis, & hominibus Francis &*

*Anglis.*—*dedi*—*Maisuram quam ipse tenet, &c. sine dat. MS. Cartarum penes Eliam Ashmole Arm.* A House or Mansion, a Farme; from the Fr. *Maison*. See *Manfurn*.

*Maius ius*, is a kind of Writ, or Proceeding, in some Customary Mannors, in order to a Trial of Right of Land, and the Entry is, — *Ad hanc Curiam venit, W. L. in propria persona sua & dat Domino iis ad vidend. Rotulas Curie, & petit inquirend. utrum ipse habet Maius ius in uno Messuagio, &c. an N. T. Et super hoc Homag. dicunt, &c. Ex Libro MS. vocat Butterfeld in Episcopat. Heref. de temp. Ed. 3. fol. 244. b.*

*Make*, (*Facere*.) Signifies to perform or execute; as to *make his Law*, is to perform that Law, which he had formerly bound himself unto, that is, to clear himself of an Action commenced against him, by his Oath, and the Oaths of his Neighbors. *Old. Nat. Br. fol. 267. Kitchin, fol. 192.*—*Et si Placitum debiti vel transgressionis vel aliquod Placitum fuerit inter vicinos, & defendentes negaverint & vaderint Legem versus Querentem, solebant facere Legem cum tertia manu, &c. (Inq. de Consuetud. Manerii de Sutton Colfeld a tempore Athelstani Regis) i. the Defendants were to bring three Persons to swear with them. Which Law seems to be borrowed of the Feudists, who call those Men that swear for another in this Case, *Sacramentales*. The formal words used by him that makes his Law, are commonly these: *Hear, O ye Justices, that I do not owe this sum of Money demanded, neither all, nor any part thereof, in Manner and Form declared: So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them. Old. Nat. Br. fol. 14.**

*Malediction*, (*Maledictio*.) A Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses. — *Si quis autem (quod non operamus,) hanc nostram Donationem infringere temptaverit, perpeffus sit gelidis glaciis, & maligorum Spirituum; terribiles tormentorum cruciatus evasisse non quiescat, nisi prius in riguis penitentiae gemitibus, & pura emendatione emendaverit. Carta Regis Athelstani Monast. de Wiltune. Anno 933.*

Again, *Venientibus contra hac & destruantibus ea, occurrat Deus in gladio irae & furoris & vindictae & maledictionis aeternae. Servantibus autem hac & defendentibus ea, occurrat Deus in pace, gratia & misericordia & salute aeterna, Amen, Amen, Amen. Carta Willielmi de Warrena, Surreix Comititis.*

— *Quod si forte post hac aliquis hereditum meorum de his Elemosynis a praefata Ecclesia aliquid abstulerit, ex ore meo in conspectu Dei sit ille maledictus, & in tremendo Iudicio, nisi resipuerit, condemnatus; Amen. Carta Roberti Camerarii Comititis Richmundiae, in Bibl. Cotton.*

*Malefance*, (From the Fr. *Malfaire*, i. To offend, or transgress) A doing of  
Z z evil.



evil, a transgressing. *Crokes Rep.* 2 Par. fol. 266.

**Maletent, Maletot, or Maletolte**, (Fr. *Maletoste*) (i. *Malum vel indebitum Telonium*.) In the Statute called the *Confirmation of the Liberties*, &c. Anno 25 Edw. 1. cap. 7. is interpreted to be a Toll of 40 s. for every sack of Wool. *Stow* in his *Annals* calls it a *Maletot*, fol. 461. See the Stat. *de Tallagio non concedendo*, Anno 35 ejusdem. Nothing from henceforth shall be taken of Sacks of Wool, by color, or occasion of Maletent. In France they had an extraordinary Tax called *Maletoste*, first exacted by Philip the fair.

**Malui.** See *Marle*.

**Malveis procurors**, in *Art. super Chartas*, cap. 10. Is understood of such as use to pack Juries by nomination, or other practise or procurement. 2 *Inst.* fol. 561.

**Malveilles** (from the Fr. *Malveillance*, i. Malice) may haply be used in our Records, for Misdemeanors, or malicious Practises. *Record. de hiis que fiebant in Parl.* 4 Ed. 3. liberata in *Cancellaria per Hen. de Ednestow Clericum Parl.* — *Ces sont les Treasons, Felonies & Malveilles faitz au nostre Seigneur le Roy & a son peuple per Roger. de Mortimer, &c.* Ex libro nigro de Wigmore, penes Edw. Harley mil. Balnei.

**Managium** (from the Fr. *Manance*, a dwelling, or inhabiting) a Mansion House or dwelling place. — *Concessi capitale Managium meum cum pertinentiis* — *Carta Nich. de Balsham*, line dat.

**Manbote**, (Sax.) A recompense for Homicide, or a compensation due to the Lord, for the slaughter of his Man or Vassal. (Manbote vero, i. compensatio Domino persolvenda pro homine suo occiso.) *Anglorum lege Regi & Archiepiscopo tres Marcas de hominibus eorum propriis: Sed Episcopo ejusdem Comitatus & Consuli & dapifero Regis viginti solidos, Baronibus autem aliis decem solidos, &c.* *Spel. de Concil.* Vol. 1. fol. 622. See *Hoveden parte poster. annal.* fol. 344. & *Bote*.

**Manca**, (Charta Regis Eadgari Eccles. Sancti Pauli, Anno 857. Indictione 15. — *cum lato digno pretio. i. lx. Mancas in auro purissimo*) was a square piece of Gold, commonly valued at 30 pence; and *Mancusa*, was as much as a Mark of Silver. *Notes upon Canutus Laws.* (id est, *Manucusa*, Coyned with the hand.)

**Maniple**, (*Manceps* — A Clerk of the Kitchen, or Caterer.) An Officer anciently so called in the Inner-Temple (now he is called a Steward there) and still in Colleges, of whom *Chaucer*, our ancient Poet, and a Student in this House, thus,

**A Maniple there was in the Temple,  
Of which all Catours might take ensemble.**

**Mandamus**, Is a Writ that lay after the year and day, where, in the mean time, the Writ called *Diem clausit extremum* had not been sent out to the Escheator. *Fitz. Nat. Br.* fol. 253. b.

See *Diem clausit extremum*. *Mandamus* was also a charge to the Sheriff, to take into the Kings hands, all the Lands and Tenements of the Kings Widow, who, against her Oath formerly given, Married without the Kings consent. *Reg. fol.* 195. b. See *Widow*.

**Mandatary**, (*Mandatarius*) He, to whom a Commandment or Charge is given. Also he that comes to a Benefice by a *Mandamus*.

**Mandate**, (*Mandatum*) Is a Commandment judicial of the King or his Justices, to have any thing done for the dispatch of Justice, whereof you may see diversity in the Table of the *Register Judicial*, on this word. The Bishops *Mandate* to the Sheriff, Anno 31 Eliz. cap. 9.

**Manentee**, Was anciently used for Tenentes, or Tenants. *Concil. Synodal. apud Cloversho.* Anno 822.

**Manning**, (*Manopera*,) A days Work of a Man; in some ancient Deeds, I have seen reserved, so much Rent, and so many Mannings, Howbeit *Maninga* (from the Sax. *Manunge*, i. *admonitio*) signifies *conventum ad causas disceptandas indictum*.

**Manor** (*Manerium a Manendo*, of abiding there; because the Lord of it did usually reside there,) *Est feodum nobile partim vassallis (quos Tenentes vocamus) ob certa servitia concessum; partim Domino in usum Familiae suae, cum jurisdictione in vassallos, ob concessa pradia reservatum. Quae vassallis conceduntur terras dicimus tenementales, quae domino reservantur dominicales. Totum vero feodum dominium appellatur, olim Baronia; unde Curia quae huic praest jurisdictioni hodie Curia Baronis nomen retinet.*

Touching its original, There was antiently a certain compass of Ground, granted by the King to some Baron, or such like man of worth, for him and his heirs to dwell upon, and to exercise some jurisdiction, more or less, within that circuit, as he thought good to grant; performing him such services, and paying such yearly rent for the same, as he by his grant required; and, that afterward this great Man parcelled his Land to other meaner Men, enjoying them again such services and rents, as he thought good; and by that means, as he became Tenant to the King, so the inferiors became Tenants to him. See *Perkins Reservations* 670. and *Horns Mirror of Justices*, lib. 1. cap. du Roy Alfred. In these days a Manor rather signifies the jurisdiction and Royalty incorporeal, than the Land or scite: For, a man may have a Manor in Gross, that is, the right and interest of a Court Baron, with the Perquisites, and another enjoy every foot of the Land belonging to it. *Kitchin.* fol. 4. *Bracton.* lib. 5. Tract. 5. cap. 28. nu. 1. See *Fee*. A Manor may be compounded of divers things, as of an House, Arable Land, Pasture, Meadow, Wood, Rent, Advowzen, Court-Baron, and such like. And this ought to be by long continuance of time, beyond mans memory; For, at this day, (as some hold) a Manor cannot be made, because a Court-

Court-Baron cannot be made, and a Mannor cannot be without a Court-Baron, and two suiters at least. See *Dilligent*.

**Manse**, (*Mansus vel Mansa*,) An Habitation, or Farm; Also an Hide of Land: And the Possessors of such were called *Manentes*. Spelman.

**Mansion**, (*Mansio*, a *Manendo*,) A dwelling House, a Country Habitation; most commonly used for the Lord's chief dwelling House within his Fee; otherwise called the *Capital Messuage*, or the chief Mannor-place. See *Skenius*, verbo, *Mansus*. The Latin word *Mansia*, in the Charter granted by King *Kennulphus* to *Ruchin*, Abbat of *Abingdon*, and mentioned by Sir *Edward Coke* in his Report *de Jure Regis Ecclesiastico*, seems to signify a certain quantity of Land. *Hida vel Mansia*. Mat. Westm. in Anno 857. And in a Charter of *Edw. Conf.* it is written *Mansa v. Hist. of Pauls*, fol. 189.

**Manlura & Masura**, Are used in *Domesday* and other ancient Records, for *Mansiones vel habitacula villicorum*; But in *carta de Anno 1 Edw. 3. n. 3.* we read — *de tribus mansuris terræ in Wigornia* — *quare*.

**Manlaughter**, (*Homicidium*,) Is the unlawful killing a Man without premeditated malice; as when two meet, and, upon some sudden Occasion, falling out, the one kills the other. It differs from *Murder*, because it is not done with foregoing Malice; and, from *Chance-medley*, because it has a present intent to kill; and this is *Felony*, but admits Clergy for the first time. *Stamf. pl. Cor. lib. 1. cap. 9.* and *Britton*, cap. 9. It is confounded with *Murder* in the Stat. 28. *Edw. 3. cap. 11.*

**Mansus**, Anciently a Farm. *Seldens Hist. of Tythes*, pag. 62.

*Hec Indentura testatur, quod Reginaldus Grey Dominus de Hastings, Weisford & de Ruthin tradidit Johanni Saunders — Mansum Manerii de Bedworth, &c. dat. 18 Hen. 6.* Here *Mansum Manerii* is used for the Mannor House, or Mannor-Place. *Mansum capitale dicitur de adibus Domini Manerii, quas aulam vulgo nuncupant.* *Mansum* or *Mansus* is sometimes confounded with *Messuagium*. *Spelman*. There were in short time conferred on the Monastery of *Evesham* 120 *Manses*, says *Cressy*, in his *Church-History*, fol. 530. a. Which *Manses* are in some Records latined *Manentes*: Sometimes a *Hide* of Land and a *Manse* are confounded. — *Illud Mansum sive Messuagium*. *Mon. Angl. 2 par. fol. 658. a.*

**Manubrium**, The Handle, or Haft, of a Sword or Dagger. — *Jur. presentant quod A. de C. Aurifaber 2 Junii 2 Jac. apud S. predict. quoddam Manubrium pugionis ferreum, Anglice dictum, A Dagger hilt of Iron, &c. Apud Maidston.*

**Manu captio**, Is a Writ that lies for a Man, who, taken on suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted thereto by the Sheriff, or other having power to let to Mainprize. *Fitz. Nat. Br. fol. 249.* See *Mainprize*. How diversly it

is used see the Table of *Reg. of Writs*; And *Pryn's Animadversions*, fol. 268.

**Manuel**, (*Manuelis*,) That whereof present profit may be made, or that is employed or used by the hand. *Stamf. Prærog. fol. 54.* As such a thing in the *Manuel* occupation of one. i. Actually used, or employed, by him.

**Manumission**, (*Manumissio*,) Is the freeing a Villain or Slave out of Bondage. The form of this in the time of a Conqueror, *Lamb. in his Archæol. fol. 126.* sets down in these words, *Siquis velit servum suum liberum facere, tradat eum vicecomiti per manum dextram, in pleno comitatu, & quietum illum clamare debet a jugo servitutis sue per manumissionem, & ostendat ei liberam portas & vias, & tradat illi libera arma, scilicet lanceam & gladium, & deinde liber homo efficitur.* Some also were manumitted by Charter. Vide *Brocke tit. Villenage*, fol. 305. Another way of *Manumitting* was, for the Lord to take the Bondman by the Head, and say, *I will that this Man be Free*, and then shove him out of his hand. There was also *Manumission* imply'd, as when the Lord made an Obligation for Payment of Money to the Bondman at a certain day, or sued him, where he might enter without Sute, or the like. See *Neif*.

**EDWARDUS** Dei Gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ, omnibus ad quos presentes Literæ nostræ pervenerint, Salutem. Sciatis quod nos ex gratia nostra speciali & ex mero motu nostro Manumissimus & ab omni jugo servitutis liberamus Johannem Dedwiche de Orleton in Com. Heref. Husbandman, & William Dedwiche de eadem Husbandman Nativos nostros de Manerio sive Dominio nostro de Orleton predicti. Cum omnibus bonis & catallis suis & tota eorum sequela & progenie de eorum corporibus procreatis sive procreandis. Ita quod nec nos nec heredes nec Successores nec Assignati nostri aliquod Furis vel clamei ratione alicujus Villenagii in iisdem Johanne & Willielmo seu de eorum progenie procreatis sive procreandis, seu de bonis & Catallis suis exigere vel vendicare poterimus in futuro, &c. In cujus rei testimon. has literas nostras sub sigillo nostro Comitatus nostri Marchiæ fieri fecimus Patentes. Dat. vicesimo die Mensis Aprilis anno Regni nostri octavo. Ex ipso autographo penes Johan. Colman Gen.

This was called the Seal of the *Marches*, and was prohibited to be used by the Stat. 4 Hen. 7. 14.

**Manuopera**, — *Et omnimoda Catalla vocata Manuopera, cum quacumq; persona in eisdem capta.* Pat. 13 Hen. 4. par. 1. m. 14. See *Mainer*.

*Manuopera*



**Manapastus.** *Sape obvenit in forensi dialecto, pro famulo & serviente Domestica.* Spelman. — *Erat culpabilis tanquam de Manupasto (Manwood, cap. 16. n. 6.) i.* He shall be culpable, as of a thing done by his own hand, or by one of his Family. *Gloss. in x. Scriitor.*

**Manus.** Was anciently used for an Oath, and for him that took it, a Compurgator. As we often find in old Records, *Tertiâ, quartâ, decimâ, manu jurare*; that is, the Party was to bring so many to swear with him, that they believed what he avouched was true; If he swore alone, it was *propria manu & unica.*

**Manuementia.** Is a Writ used in case of Maintenance. *Reg. of Writs, fol. 182. & 189.* See Maintenance.

**Manworth.** (Sax. Manpypp.) The price or value of a Man's Life or Head; every Man, according to his degree, being rated at a certain price, according whereunto, satisfaction was, of old, made to his Lord, for the killing him.

**Mar.** A Mere, or great Pond, that cannot be drawn dry. *Mon. Angl. 1 part. fol. 666. b.*

**Marches.** (Marchia,) Are the Bounds and Limits between us and Wales, or between us and Scotland. *Anno 24 Hen. 8. cap. 9.* Which last are divided into *West* and *Middle Marches.* *Anno 4 Hen. 5. cap. 7. and 22 Edw. 4. cap. 8.* The word is used in the Statute *24 Hen. 8. cap. 12.* generally, for the Precincts of the King's Dominions; and may be derived from the Sax. *Meapc, i. Signum, nota, Character.*

**Marchers, or Lords Marchers.** Were the Noblemen that lived on the *Marches of Wales* or *Scotland*, who, in times past, (according to Camden,) had their private Laws, & *pote statem vite & necis*, like Petty Kings, which are now abolished by the Statute *27 Hen. 8. cap. 26.* Of these *Marchers*, you may read *Anno 2 Hen. 4. cap. 18.* — *26 Hen. 8. cap. 6. and 1 Edw. 6. cap. 10.* where they are called *Lord Marchers*: And, in old Records, the *Lords Marchers of Wales* were called *Marchiones de Marchia Wallie.* See *Marquis*; see also *1 & 2 Ph. & Ma. cap. 15.*

**Marchet.** (Marchetum,) *Consuetudo pecuniaria in Mancipiorum filiabus maritandis.* Bract. lib. 2. tit. 1. cap. 8. num. 2. *Merchetum vero pro filia dare non competit libero homini.* Extenta Mancii de Wivenho, 18 Dec. 40 Edw. 3. & alia 13 Edw. 3. *Anno Dom. 1230. Rich. Burr tenet unum Mesuagium — Et debet Tallagium, Sextam Curie & Merchet hoc modo, quod si maritare voluerit filiam suam cum quodam libero homine extra villam, faciet pacem Domini pro maritagio, & si eam maritaverit alicui Custumario Ville, nil dabit pro maritagio.* — *Merchetum, hoc est quod Sechemanni & nativi debent solvere pro filiabus suis corruptis sive defloratis s. 4 d. Reg. Abbathie de Burgo, in Bibl. Cotton.* This Custom, with some difference, is in divers parts of England and Wales, as also in Scotland, and

the Isle of Gernsey. See *Spelman*, at large on it. By the Custom of the Mannor of *Dinevor*, in the County of *Carmarthen*, (whereof Sir *Edw. Rice* is Lord,) every Tenant at the Marriage of his Daughter pays x s. to the Lord, which, in the British Language, is called *Gwab, Merched, i. A Maid's Fee.* See *Maiden Rents* and *Gwab-merched.*

**Marshall.** (Marescallus, from the Germ. *Marischalk, i. Equitum Magister,*) With us there are divers Officers of this Name, the chief is the *Earl Marshal of England*, mentioned *Anno 1 Hen. 4. cap. 7.* and in divers other Statutes; his Office consists especially in matters of War and Arms, as well with us, as in other Countries; as you may read in *Lupanus de Magistratibus Francia, lib. 1. cap. Marescallus, & libro rubro de Scacc. fol. 30.*

The next is, the *Marshal of the Kings House* whose special Authority is (according to *Britton*,) in the King's place, to hear and determine all Pleas of the Crown, and Sutes between those of the King's House, and others within the Verge, and to punish Faults committed within the Verge, &c. *Crompt. Jurisd. fol. 102. Anno 18 Edw. 3. Stat. 2. cap. 7.* and other Statutes. See more of this Office in *Fleta, lib. 2. cap. 4.*

There are other Inferior Officers of this Name, as *Marshal of the Justices in Eyre.* *Anno 3 Edw. 1. cap. 19. Marshal of the King's Bench, (Anno 5 Edw. 3. cap. 8.)* Who hath the Custody of the Prison, called the *King's Bench*, in *Southwark*. I find also in *Fleta, lib. 2. cap. 15.* mention of a *Marshal of the King's Hall*. There is also a *Marshal of the Exchequer.* *Anno 51. Hen. 3. Stat. 5.* to whom the Court commits the Custody of the King's Debtors, for securing the Debts. He also assigns Sheriffs, Customers, and Collectors, their Auditors, before whom they shall account.

**Marshallæ.** (Marescallia,) Is the Court or Seat of the *Marshal*; also used for the Prison in *Southwark*, so called; the reason whereof may be, because the *Marshal* of the Kings House was wont, perhaps, to sit there in Judgment, or keep his Prison. See the Stat. *9 Rich. 2. cap. 5. And 2 Hen. 4. cap. 23.*

**Marettum.** (from the Fr. *Maret*, a Fen or Marsh,) Marsh-Ground, which the Sea, or great Rivers, overflow. *1 Inst. fol. 5. a.*

**Marriage.** (Maritagium,) Signifies not only the lawful Joyning of Man and Wife, but also the Interest of bettowing a Ward, or a Widow, in Marriage. *Mag. Char. cap. 6.* And it signifies Land given in Marriage. *Bracton, lib. 2. cap. 34. & 39.* See also *Skene* on the word *Maritagium*, which (according to *Glanvil, lib. 7. cap. 1.*) Is that portion which the Husband receives with his Wife. See *Dower.*

• **Paritagio amisso per defaultam**, Is a Writ for the Tenant in Frank-marriage, to recover Lands, &c. whereof he is deforced by another. *Reg. fol. 171.*

**Paritagio forisfacto.** See *Forisfactura Maritaggi.*

**Paritima Angliæ**, the Emolument arising to the King from the Sea, with Sheriffs anciently collected, but was afterwards granted to the Admiral. *Pat. 8. Hen. 3. m. 4. Ricardus de Lucy dicitur habere Maritimam Angliæ.*

**Mark** (*Merca*, from the Sax. *Meape. i. Signum*) In ancient time I find a Mark of Gold was eight ounces. *Stow's Annals*, pag. 32. and was valued at 6 l. in Silver, *Rot. Mag. Pipe de A. 1. Hen. 2.* or, as others write 6-13-4. A Mark of Silver is now well known to be 13 s. 4 d. *Char. Reg. Joh. de dote B. Regine (quondam ux. R. Ricardi. Paten. 3. Joh. m. 17. n. 31. Assignavimus ei pro dote sua mille marcas argenti annuatim, 13 s. 4 d. computatis pro Marca.*

**Marketzeld** (*Rechtus Marketgeld*)—*Et valent per an. le Streteward & le Marketzeld xviii s. & ob. in omni terra pertinente ad Honorem de Hamilton. Ex Cod. M. S. in Bibl. Cotton.* It signifies Toll of the Market. The word *Zeld* importing a payment. I find it elsewhere written *Markethgalt.* *Plac. apud Cestriam 31 Edw. 3.*

**Mark-penny**, Was one penny paid at Maldon, by those who had Pipes or Gutters laid, or made out of their Houses into the Streets. *Hill. 15 Ed. 1. Mr. Philips of Purveyance.*

**Market** (*Mercatus*) Comes from the Fr. *Marché, i. Emporium, forum nundinarium*, and signifies the same thing with us; as also the Liberty or Privilege whereby a Town is enabled to keep a Market. *Old. Nat. Br. fol. 149. So Bracton uses it, Lib. 2. cap. 24. numb. 6. & lib. 4. cap. 46. where he shews, that one Market ought to be distant from another, Sex leucas & dimidium & tertiam partem dimidiæ. By Stat. 27 Hen. 6. cap. 5. no Fair nor Market is to be kept upon any Sunday, nor upon the Feasts of the Ascension of our Lord, Corpus Christi, the Assumption of our Blessed Lady, All Saints, nor Good Friday; except for necessary victual, and in the time of Harvest.*

**Marle** (*Marla & Marlera*) Is a kind of Earth or Mineral, which Men, in divers parts of this Realm, cast upon their Laud, to make it more fertile. It is otherwise called *Malin.* *Anno 17 Edw. 4. cap. 4.*

**Marlerium** or **Marletum**, A Marlepie. *Sciant—quod ego Rogerus la Zouche dedi—Henrico de Hugfort & heredibus suis, &c.—Et quod habeant omnem libertatem & liberam communiam in bosch, in planis, in vis, in seminis, in aquis, in molendinis, in bruariis, in turbariis in quarrer. in piscariis, in Marleriis, & in omnibus aliis locis & assiametis ad predictum Manerium de Tonge spectant.—Et quod capiant Marlam pro voluntate sua ad terram suam marlend.* And in ano-

ther Deed xx. *Acas terra Marlatus*, Marled Lands.

**Marque** (from the Sax. *Meape, i. Signum*) Signifies in our ancient Statutes as much as *Reprisals*; as *Anno 4 Hen. 5. cap. 7. Marques and Reprisals* are used as Synonyms, and *Letters of Marque* in the same signification, See *Reprisals.*

**Marquis** or **Marquess** (*Marchio, qui regionis limitem incolit*) Is a Title of Honour, next before an Earl, and next after a Duke. *Marchiones Wallie, viz. Rogerus de Mortuo-mari Jacobus de Audley, Rogerius de Cliford, Rogerius de Leyburn, Hamo Extraneus & ille de Turbervilla, cum pluribus aliis, qui de bello predicto de Lewes nuper fugerunt, &c. Mat. Westm. in Anno 1264. pag. 225.*

**Marshall.** See *Marshkal.*

**Marshall Law**, Is the Law that depends upon the just and arbitrary power, and pleasure of the King, or His Lieutenant in time of Wars: For, though the King does not, in time of Peace, make any Laws, but by consent of the Three Estates in Parliament; yet in Wars, by reason of the great dangers rising from small occasions, he useth absolute power, in so much, as His word goes for Law. *Smith de Repub. Angl. lib. 2. cap. 3. See Law of Arms.*

**Maslagium**, anciently used for a Messuage. —*Et unum Maslagium in villa de Maudone, &c. Pat. 16. Ric. 2. par. 1. m. 30.*

**Mast** (*Glans, Pessona*,) *Glandis nomine conueniuntur glans castanea, fagina, ficus & nuxes, & alia queque quæ edi & pasci poterunt præter herbam. Bracton, lib. 4. 226. See Pessona.*

**Master of the Rolls** (*Magister Rotulorum*) Is an assistant to the Lord Chancellor of England, in the High Court of Chancery, and in his absence heareth Causes there, and gives Counsel. *Crompt. Jur. fol. 41. His title in his Patent is, Clericus parvæ bagæ, Custos Rotulorum, & Domus Conversorum.* Because the place where Rolls of Chancery are now kept, was anciently the Habitation of those Jews, who were converted to Christianity. But his Office hath that title from the safe keeping of the Rolls of all Patents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called *Clerk of the Rolls*, *Anno 12 Rich. 2. cap. 2. And in Fortescu, cap. 24. And no where Master of the Rolls until 11 Hen. 7. cap. 20. And yet cap. 25. Ejusdem*, he is also called *Clerk*. In which respect Sir Tho. Smith, lib. 2. cap. 10. says, He may not unfitly be called *Custos Archivariorum.* He hath the bestowing the Office of the Six Clerks, and the Clerks of the Pettibag, Examiners of the Court, and the Clerks of the Chapel. *Anno 14 & 15 Hen. 8. cap. 1. See Roll.*

**Master of the Mint**, (*Anno 2. Hen. 6. cap. 14.*) Is now called the *Warden of the Mint*. whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.



**Master of the Court of Wards and Liveries**, Was the chief Officer of that Court, named and assigned by the King; to whose custody, the Seal of the Court was committed, &c. *Anno 33 Hen. 8. cap. 33.* But this Court, with the Officers, and Appurtenances thereof, is abolished by *12 Car. 2. cap. 24.*

**Master of the Horse**, Is he, that hath the Rule and Charge of the Kings Stable, being an Office of high account, and always bestowed upon some Nobleman of great merit, and is mentioned, *Anno 39 Eliz. cap. 7.* and *1 Edw. 6. cap. 5.* This Officer under the Emperors of Rome, was called *Comes sacri Stabuli.*

**Master of the Posts**, Was an Officer of the Kings Court, who had the appointing, placing, and displacing of all such thorough England, as provided Post-horses for the speedy passing of the Kings Messages, Letters, Pacquets, and other business; and is mentioned *Anno 2 Edw. 6. cap. 3.* But now by Statute *12 Car. 2. cap. 34.* One General Letter-Office or Post-Office is settled in London; the Master of which Office is appointed by the King, by Letters Patents, with Rates and Rules prescribed in the said Act, for carrying Letters.

**Master of the Armoury**, (*Magister Armorum & Armature Regis*) Is he that hath the care and over-sight of His Majesties Arms and Armoury; and mentioned *39 Eliz. cap. 7.* His Fee *200. Marks per annum.*

**Master of the Jewel House**, Is an Officer in the Kings Household, of great credit, having charge of all Plate used for the King or Queens Table, or any great Officer in Court; and of all Plate remaining in the Tower of London, of Chains, and loose Jewels, not fixed to any garment. *Anno 39 Eliz. cap. 7.*

**Master of the Kings Household** (*Magister Hospitii Regis*) Is otherwise called *Grand Master of the Kings Household*, and is called *Lord Steward of the Kings most Honourable Household.* *Anno 32 Hen. 8. cap. 39.* But *Primo Mariae*, and ever since, he is called *Lord Steward of the Kings Household*; under whom, there is a Principal Officer of the Household, called the *Master of the Household*, of great Authority as well as Autiquity.

**Master of the Ordnance**, (*Anno 39 Eliz. cap. 7.*) Is a great Officer, to whose care all the Kings Ordnance and Artillery is committed.

**Masters of the Chancery** (*Magistri Cancellarie*) Are assistants in this Court to the Lord Chancellor, or Lord Keeper, and Master of the Rolls. Of these there are some Ordinary, and some Extraordinary; of Ordinary there are twelve, (the Master of the Rolls being accounted one and the chief) whereof some sit in Court every day throughout each Term; and have referred to them (at the Lord Chancellors, or Master of the Rolls, discretion) the Interlocutory Reports for stating Accompts, computing damages, and the like; they administer Oaths, and take Acknowledgments of Deeds

and Recognisances. The Extraordinary do act in the Country by taking Recognisances and Affidavits, Acknowledgments of Deeds, &c. for the ease of the Subject.

**Master of the Kings Musters**, Is a Martial Officer in all Royal Armies, most necessary, as well for maintaining the Forces compleat, well-armed, and trained, as also for prevention of such Frauds; as otherwise may exceedingly waste the Princes Treasure, and extremely weaken the Forces, &c. mentioned *2 Edw. 6. cap. 2.* And *Master-General.* *Anno 35 Eliz. cap. 4.*

**Master of the Wardrobe**, (*Magister Garderobae*) Is a great Officer in Court, having his habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in London. He has the charge and custody of all former Kings and Queens ancient Robes, remaining in the Tower; and all Hangings, Beddings, &c. for the Kings Houses. He has also the charge, and delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer mention is made *Anno 39 Eliz. cap. 7.*

**Master of the Faculties** (*Magister facultatum*) Is an Officer, under the Archbishop of Canterbury, who grants Licences, and Dispensations; and is mentioned *22 & 23 Car. 2.* Statute for laying Impositions on proceedings at Law.

**Masure** (*Fr. Masure*) an old decay'd House or Wall, the ruins of a Building.—*In burgo fuerunt 118 masure, reddebant 4 l. 2 s. Domefday.*

**Masure terræ**,—*Sunt in eisdem masureis 60 Domus plus quam ante fuerunt.* Domefday. In *Fr. Masure de terre*, is a quantity of ground, containing about four Oxgangs, with us it is taken for *domicilium cum fundo, vel pro fundo cum domicilio competenti.*

**Matter in Deed**, and **matter of Record**, Differ thus (according to *Old. Nat. Br. fol. 19.*) The first seems to be nothing else, but some truth, or matter of Fact to be proved, though not by any Record.

**Matter of Record** is that, which may be proved by some Record. For example, if a man be sued to an *Exigent*, during the time he was in the Kings Wars, this is *Matter in Deed*, not of Record: And therefore, he that will allege this for himself, must come before the *Scire facias* for execution be awarded against him; for, after that, nothing will serve but matter of Record, that is, some error in the Process appearing upon the Record. *Kitchin, fol. 216.* makes also a difference between *matter of Record*, and a *Specialty* and *nude Matter*, this being not of so high a nature, as either *matter of Record*, or a *Specialty*, otherwise there called *matter in Deed*; Whereby it should seem, that *nude Matter* is a naked allegation of a thing done, to be proved only by Witnesses, and not either by Record, or *Specialty* in Writings under Seal. *Cowel.*

Maugre,

**Maugre**, Being compounded of two French words, *Mal* and *Gre. i. Animo Iniquo*, Signifies with us, as much as in despatch, or in despatch of ones teeth. As, *the Wife mauger the Husband*, (*Littleton, fol. 124.*) that is, whether the Husband will or no.

**Maud**, (*Sax. Mand*) A kind of great Basket, or Hamper (of Books, or other Merchandise,) containing eight Bales, or two Fats. *Book of Rates, fol. 3.*

**Maxims in Law**, Are the foundations of it, or certain Rules or Positions, which are the Conclusions of Reason and ought not at any time to be impeached or impugned. As, it is a *Maxim*, that, *if a man have Issue, two Sons by divers venters, and the one of them purchase Lands in Fee, and dye without issue, the other brother shall never be his heir, &c.* See *Coke on Litt. fol. 11 & 141.*

**Mayor**, (anciently *Meyr*, from the British *Maget*, *i. Custodire*.) The chief Magistrate of a City, as the Lord Mayor of *London. Rich. 1. (Anno 1139)* changed the *Bailiffs* of *London* into a *Mayor*. And, by that example, *King John, Anno 1204*, made the *Bailiff of Kings-Lin* a *Mayor*, whilst the famous City of *Norwich* obtained not this Title for her chief Magistrate, till 7 *Hen. 5. Anno 1419*. See more on this word in *Spelman's Gloss.*

**Meale-Rents**, Are certain Rents still so called, but now payable in Money by some Tenants within the Honor of *Chou*, which heretofore were paid in *Meale*, to make Meat for the Lords Hounds.

**Mean**, (*Medius*.) Signifies the middle between two extremes, and that either in time or dignity. Example of the first; *his Action was mean, betwixt the Dissisin made to him, and his recovery*; that is, in the interim. Of the second, there is *Lord, Mean or Mesne, and Tenant*.

*Lords mean*, mentioned in the Stat. of Amortizing Lands, made *tempore Edw. 1.* See *Mesne*.

**Mease**, (*Mesugium*, *Fr. Maisen*.) A Mesuage, or dwelling-House. *Stat. Hibernie, 14 Hen. 3. and 21 Hen. 8. cap. 13.* In some places corruptly called a *Mise*, and *Mise-place*. See *Mise* and *Mese*.

**Measn**. See *Mesne*.

**Meason duc**, (*Fr. Maison de Dieu*.) A House of God; a Monastery or Religious House. *Hospitals* are also so called in the Statutes, 2 & 3 *Phil. & Mary, cap. 23. 39 Eliz. cap. 5. and 15 Car. 2. cap. 7.*

**Measure**, (*Mensura*.) according to the 25th Chapter of *Mag. Char.* and the Stat. 17 *Car. 1. cap. 19.* all *Weights and Measures* in this Nation ought to be the same, and those too according to the *Kings Standard*. See 4 *Inst. fol. 273. & Mensura*. See the Stat. 22 *Car. 2. cap. 8.*

**Measurer**. See *Alneger*.—Also that *William Porzon*, common Meter of *Wool-*

*len Cloth*, may be sworn to occupy his Office of *Measuring* truly and indifferently upon pain, &c. Articles exhibited to the Lord Mayor of *London*, &c. by the Commons of the City, *tempore Hen. 8.*

**Measuring money**. That certain Letters Patents, whereby some persons exacted of every Cloth made, certain Money, besides *Almage*, called the *Measuring Money*, may be revoked, *Rot. Parl. 11 Hen. 4.*

**Medetee**, (*Sax. Medfeoh*.) The *Sect. Ditt.* says, It is a Bribe or Reward; but, it also signifies that *Bote* or Compensation, which is given in an exchange, where the things exchanged are not of equal value: As in 4 *Ed. 3. Hugo de Courtney* made an exchange by Deed with *Richard Handlake* and *Jean* his Wife; and there 'tis express'd—*Qod ipsi non dabunt Medetee*, from the word *Meed*, which signifies a reward. See *Arrura*.

**Mediators of Questions** (*Anno 27 Ed. 3. Stat. 2. cap. 24.*) were six Persons, authorized by that Statute, who (upon any Question risen among Merchants, touching any unmercatale Wool, or undue packing) might before the Mayor and Officers of the Staple, upon their Oath, certify and settle the same, to whose order therein, the parties were to give credence, without any contradictions.

**Medietas lingue**, Signifies an Enquest empanel'd, whereof the one half consists of Natives or Denizens, the other, strangers; and is used in Pleas, wherein the one party is a stranger, the other a Denizen. See the Stat. 28 *Edw. 3. cap. 13.*—27 *ejusdem, Stat. 2. cap. 8. and 8 Hen. 6. cap. 29.* Before the first of these Statutes was made, this was wont to be obtained of the King by Grant made to any Company of Strangers. *Stam. Pl. Cor. lib. 3. cap. 7.* and is called a *Party-Jury*, *Anno 14 Car. 2. cap. 11.* *Solomon de Stanford*, a Jew, had a Cause try'd before the Sheriff at *Norwich*, by a Jury of *Sex probos & legales homines & sex legales Judeos de Civitate Norwici*, &c. *Nor. Pasche 9 Ed. 1. Judeorum Rot. 4. & 5. in dorso.*

**Medio Arquitando**, Is a Writ Judicial, to distrain a Lord, for the acquitting a mean Lord from a Rent, which another claims. *Reg. of Writs judic. fo. 29. b.*

**Mediterranean Sea**, (so called, because it has its course in the midst of the earth) Is that which stretcheth it self from the West to East, dividing *Europe, Asia* and *Africa*; and mentioned 12 *Car. 2.* in the Statute of *Tonnage*.

**Medium tempus**, Was anciently used for the mean profit. As, *Annum, diem & medium tempus*. See *Flem.*

**Medlese**, (from the *Fr. Mefler i. miscere*.) Is that which *Bracton*, (*lib. 3. Tract. 2. cap. 35.*) calls *Medletum*, and signifies quarrelling, scuffling, or brawling. *Culpa dicitur quam quis inopinate commiserit non rixando solum & pugnando, sed immiscendo se pacifice rei cui-*



*vis vel negotio*, says *Spelman*. Hence our common phrase, to meddle with other folks matters.

**Meer**, (*Merus*) Though an Adjective, yet is it used substantively, for meer right. *Old Nat. Br. fol. 2.* To joyn the *Mise* upon the *Meer*. See *Mise*.

**Megebote**. See *Magbute*.

**Meldstob**, (*Sax.*) The reward and recompence due, and given to him that made the discovery of any breach of Penal Laws committed by another: The Promoter, or Informers Fee. *Sax. Di. LL. Inc. cap. 20.*

**Meliores**. See *Tales*.

**Meiny** or **Meny**, al. **Maigne**, (*Manegium*. *Fr. Meine*, as the Kings *Meiny*, Anno 1 *Rich. 2. cap. 4.*) i. The Kings Family, Household, or Household-servants.

**Melasses**. See *Molasses*.

**Melius inquirendo**, Is a Writ that lay for a second enquiry, of what Lands or Tenements a man dyed seized, where partial dealing was suspected upon the Writ *Di. m. clausit extremum*. *Fitz. Nat. Br. fol. 255.*

**Memories**, are used for certain Obsequies or remembrances for the Dead, in Injunctions to the Clergy, 1 *Edw. 6.*

**Mentals**, (from *Mania*, the Walls of a Castle, or other Building.) Are Household, or Menial Servants; that is, such as live under their Lord or Masters Roof, or within his Walls, mentioned Anno 2 *Hen. 4. cap. 21.*

**Mentalia**, were such Parsonages or Spiritual Livings, as were united to the Tables of Religious Houses, and were called *Mensal* Benefices among the Canonists.

**Mensis vetitus** — *habuit in predictio bosco centum capras cum sua sequela per totum annum, tam in Mense vetito, quam alio tempore*, &c. *Pla. Parl. 18 Edw. 1.* See *Fence-monet*.

**Mensura**, Hoc est, quod Prior habet *mensuras* tam aridorum quam liquidorum signatas signo Domini Regis, & quod nullus debet emere in foro seu vendere, nisi per illas, *Ex Registro Priorat. de Cokesford.* *Mensura bladi*, a Bushel of Corn.

**Mensura regalis**, The Kings Standard of the Exchequer. Anno 17 *Car. 1. cap. 19.* See *Measure*.

**Merchantage**, (*Sax. Mypena-laſa. i. Merciorum lex.*) *Cam. in his Brit. pag. 94.* sheweth, that, in the Year 1016. this Land was divided into three parts; whereof the *West-Saxons* had one, governing it by the Laws, called *West-Saxon Laws*, which contained these nine Shires, *Kent, Southsex, Southrey, Berks, Hampshire, Wilts, Somerset, Dorset and Devon.* The second by the *Danes*, which was Govern'd by the Laws called *Denelage*, or *Danelage*, and that contained these fifteen Shires, *Tork, Darby, Nottingham, Leicester, Lincoln, Northampton, Bedford, Bucks, Hartford, Essex, Middlesex, Northfolk, Suffolk, Cambridge and Huntington.* The third was Governed by the *Mercians*, whose

Law was called **Merchenlage**, compounding these eight, *Glocester, Worcester, Hereford, Warwick, Oxenford, Chester, Salop, and Stafford.* Out of which three *William the Conqueror* chose the best, and, to them, adding such of the *Norman Laws*, as he thought good, he ordained Laws for this Kingdom, some of which we have to this day, and are called the *Common Laws*.

**Meremium**. See *Maeremium*.

**Merchet**. See *Marchet*.

**Mercimoniatus Angliæ**, Was anciently used for the Custom or Imposit of *England*. MS.

**Mercy**, (*Misericordia*) Signifies the Arbitrement, or Discretion of the King, Lord or Judge, in punishing any offence, not directly censured by the Law. As, to be in the *gracious* mercy of the King, (*Anno 11 Hen. 6. cap. 2.*) is to be in hazard of a great Fine or Penalty. See *Misericordia*.

**Meric-Mart**, (*Sax. i. Incolæ Faludium*) So the Inhabitants of *Rumney Marsh* in *Kent* were anciently called.

**Mertlage**, Seems to be a corruption of, or a Law French Word, for Martyrologe. *Vide Hill. 9 Hen. 7. fol. 14. b.* For it being ask'd what was meant by *Mertlage*, The Book says, *Ceo est Kalender Universal in l'Eglise de cest Realm, lex queux Priests sont lies d'observe & ne plus.* A Church-Calendar or Rubric.

**Messe**, from the Gr. *Μεσση. i. Medium*, lat. *Alefigium*.) of Herrings is 500, the half of a thousand.

**Meskeninga**. See *Miskenning*.

**Mesne** or **Mealn**, (*Medius*, *Fr. Maisne*, Signifies him, that is Lord of a Mannor, and has Tenants holding of him, yet holds himself of a superior Lord: And therefore it seems to be properly deceived from the *Fr. Maisne. i. Minor natus*; because his Tenure is derived from another, from whom he holds.

**Mesn** also signifies a Writ, which lies where there is *Lord, Mesn* and *Tenant*; the Tenant holding of the *Mesn*, by the same services, whereby the *Mesn* holdeth of the Lord, and the Tenant of the *Mesn* is distrained by the superior Lord, for that his Service or Rent, which is due to the *Mesn*. *Fitz. Nat. Br. fol. 135.* See 13 *Ed. 1. cap. 9.*

**Mesnalty**, (*Medietas*, *Fr. Maisneta. i. Youngership*,) Signifies the right, or condition of the *Mesn*; as, the *Mesnalty* is extinct. *Old Nat. Br. fo. 44.* and *Kitchin, fo. 147.* *Medietate tenentur feuda, quando aliqua persona intervenierit inter Dominum & tenentes, Et hoc modo tenent omnes postnati, mediante ante nato.* Customary of Normandy.

**Messarius**, A Mower, or Harvester. *Fleta, lib. 2. cap. 75.*

**Messenger of the Exchequer**, Is an Officer, of which sort there are four in that Court, who are Pursuivants attending the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

**Messuage**,

**Messuage**, (*Messuagium*.) A dwelling House, (*Honestius est habitaculum cum aliquo fundi adjacentis in ejusdem usum deputati.*) But, by that name may also pass a Curtilage, a Garden, an Orchard, a Dovehouse, a Shop, a Mill, a Cottage, a Toft, as parcel of a Messuage. *Bracton, lib. 5. cap. 28. Plowden, fol. 199. 170.* yet they may be demanded by their single names. *Messuagium* in *Scotland* signifies (according to *Skene*) the principal House, or dwelling place within a Mannor, which we call the *Mannor-house*, and some, the *Seire*. A *Præcipe* lies not de *Domo*, but de *Messuagio*, *Coke on Litt. cap. 8.*

**Messilo**, *outs.* Messine, Muncorne, Wheat and Rye mingled together. — *Et nonam garbam frumenti, mellilonis, siliginis Et omnis generis bladi.* *Pat. 1 Edw. 3. Par. 1. m. 6.*

**Metecorn**, — *Stipendia Et Metecorn ac cetera debita servientium in Monasterio predicto solvantur.* *Ryleys Pla. Parl. fol. 391.*

**Mitegavel**, (*Sax.*) *Cibarium vestigal*, A Tribute, or Rent paid in Victuals; a thing usual of old, as well with the Kings Tenants, as others, till *Henry the First's* time, who chang'd it into Money. *Sax. Dist.*

**Meter**. See *Mesurer*.

**Metheglin**, (*British, Meddglin*.) A kind of Drink made of Wort, Herbs, Spice and Honey boyl'd together, most used in *Wales*; mentioned in the Act for Excise, 15 *Car. 2. cap. 9.*

**Mey**, Anciently used for a Mey or Mough, as of Corn or Hay in a Barn. See *Mullones Fani*. And to this Day in some parts of *England*, they say, *Mey* the Corn, i. put it on an heap in the Barn.

**Miche**, — A sort of white Loaves, paid as a Rent in some Mannors. *Extenta de Wivenho, in dorso, Will. Lambe.* — *Capient de predicto Priore pro qualibet Waya circiter tres albos panes, vocatos Michie, Et nigrum panem Et alia cibaria.* *Una Michia*, one white Loaf. *Reg. de Felley in Com. Nott.*

**Mildernit**, (*Anno 1 Jac. cap. 24.*) A kind of Canvas, whereof Sail-Cloths, and other Furniture for Ships, are made.

**Mile**, (*Milliare*.) Is the distance, or length, of one thousand Paces, otherwise described to contain eight Furlongs, and every Furlong to contain forty Lugs or Poles, and every Pole 16 Foot and a half. *Anno 35 Eliz. cap. 6.*

**Militia**, (*Lat.*) The Implements and Furniture for War, mentioned 15 *Car. 2. cap. 2.*

**Millleate**, (*Anno 7 Jac. cap. 19.*) A Trench to convey Water to or from a Mill: *Rectius*, a Mill-leat. An usual word in Conveyances in *Devonshire*.

**Mineral Courts**, (*Curie Minerales*.) Are particular Courts for regulating the Affairs of Lead-Mines, as *Stannery Courts* are for *Tyn*. See *Copi*.

**Muniments**, or **Muniments**, (*Munimenta*, from *Munio*, to defend,) Are the Evidences or Writings, whereby a Man is enabled to defend the Title of his Estate. *Anno 5 Rich. 2. cap. 8.* and 35 *Hen. 6. fol. 37. b.* *Wangford* says this

word *Muniment* includes all manner of Evidences. See *Muniment House*.

**Ministri regis**, Extend to the Judges of the Realm, as well as to those that have Ministerial Offices. 2 *Inst. fol. 208.*

**Minoveri**, (*Anno 7 Rich. 2. cap. 4.*) Seems to be compounded of the French *Main*. i. *Manu* and *Overer*. i. *Operari*; and to signifie some trespass or offence committed by a Mans handy work in the Forest; as an Engin to catch Deer. *Briton. (cap. 40.)* uses the verb *Meinoverer*, to manure Lauds; and *cap. 62.* *Min overe*, for handy work.

**Minutiel**, (*Minstrellus & Menestralus*, from the French *Menestrier*.) A Musician, a Fidler or Piper; mentioned 4 *Hen. 4. cap. 27.* *Pat. 24 April 9 Edw. 4.* — *Quid Mariscalli Et Minstrelli predicti per se fient Et esse deberent unum Corpus Et una Communitas perpetua, &c.* Upon a *Quo Warranto* 14 *Hen. 7.* *Laurentius Dominus de Dutton clamat, quod omnes Minstrelli infra Civitatem Cestrie Et infra Cestriam manentes, vel officia ibidem exercentes debent convenire coram ipso vel Senescallo suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptiste annuatim, Et dabunt sibi ad dictum Festum quatuor Lagenas vini Et unam Laxeam; Et insuper quilibet eorum dabit sibi quatuor denarios Et unum obolum ad dictum Festum, Et habere de qualibet Meretrice infra Comitatum Cestrie, Et infra Cestriam manente, Et officium suum exercente quatuor Denarios per annum ad Festum predictum, &c.* And where by the Stat. 39 *Eliz. cap. 4.* Fidlers are declared to be Rogues, yet there is a *Proviso* therein, exempting those in *Cheeshire*, licensed by *Dutton of Dutton*. The Muticians of *England* incorporated by King *Cha. 2. Anno 1670. V. Claus. 9. Ed. 2. M. 26 Dnsi*, an Ordinance *super mensuratione ferculorum Et Menestralorum*.

**Mint**. Is the place where the Kings Coin is formed, be it Gold or Silver, which now is, and long has been, the Tower of *London*: Though it appear by divers Statutes, that in ancient times the Mint has also been *Calen*, and other places. *Anno 21 R. 2. cap. 16.* and 9 *H. 5. Stat. 5. cap. 5.* The particular Officers belonging to the Mint, see in *Cowel's Interpreter*, verbo *Mint*.

**Minute tythes**, (*Minutæ five minores decime*.) Small Tythes, such as usually belong to the Vicar, as of Woolf, Lamb, Pigs, Butter, Cheese, Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 *Part Inst. fol. 649.* and *Udal and Tindals case. Hill. 22 Jac.* where the Tythe of Wood was adjudged to be *minuta decima*. 3 *Part Crokes Rep. fol. 21.* See *Tythes*.

**Misadventure**, or **Misadventure**, (*Fr. Mesaventure, i. Infortunium*.) Has an especial signification for the killing a Man, partly by negligence, and partly by chance. As if one, thinking no harm, carelessly throws a Stone, or shoots an Arrow, wherewith he kills another. In this case he commits not Felony, but only loseth his Goods, and has a Pardon of course for his life. *Stam. Pl. Cor. lib. 1. cap. 8.* *Britton, cap. 7.*



distinguishes between *Aventure* and *Misaventure*; The first he makes to be mere chance, as if a Man, being upon, or near, the Water, be taken with some sudden sickness, and so fall in, and is drowned, or into the Fire, and is burnt. *Misaventure* he says is, where a Man comes to his death by some outward violence, as the fall of a Tree, the running of a Cart-wheel, the stroke of a Horse, or such like. So that *Misadventure* in *Stamfords* opinion, is construed somewhat more largely than *Britton* understands it.

*West*, part 2. *Symbol. tit. Inditement. Sect. 48 & 49.* makes *Homicide casual* to be, merely casual, or mixt. *Homicide* by mere chance, he defines to be, when a Man is slain by mere fortune, against the mind of the Killer, as if one hewing, the Axe flies off the Haft and kills a Man; And this is all one with *Brittons Misaventure*. *Homicide by chance mix'd*, he defines (*Sect. 50.*) to be, when the Killers ignorance or negligence is joyned with the chance; as if a Man lop Trees by a high-way side, in which many usually travel, and cast down a Bough, not giving warning, &c. by which Bough a Man is slain.

*Miscognisant*, Ignorant or not knowing. In the Stat. 32 Hen. 8. cap. 9. against Champertie and Maintenance; It is ordained that the Justices of Assise shall twice in the year in every County cause open Proclamation to be made of this present Act, and of every thing therein contained, &c. to the intent, that no person should be ignorant or miscognisant of the dangers and penalties therein contained.

*Misccontinuance*, (*Kitchin, fol. 231.*) the same with *Discontinuance*, which see.

*Mise*, (A French word, signifying expence, or disbursement: Sometimes written *Missum* in Lat. and sometimes *Misa*) has divers significations; first, it is an Honorary Gift, or Customary Present, with which the People of *Wales* are wont to salute every new King and Prince of *Wales*, at their entrance into that Principality. It was anciently given in Cattel, Wine and Corn, for sustentation of the Princes Family; but, when that Dominion was annexed to the *English* Crown, the Gift was changed into Money; The County of *Chester* pays 3000 Marks, *Flint* 2000, &c. for their *Mise*; And it hapned to be thrice paid in King *James's* Reign, First, at his own coming to the Crown, and that Principality. Secondly, When Prince *Henry* was created Prince of *Wales*. And Thirdly, When King *Charles the First* succeeded him in that Principality.

Anno 27 Hen. 8. cap. 26. it is ordained, That Lords shall have all such *Mises* and Profits of their Lands, as they have had in times past, &c. *Mise etiam dicuntur prestationes illæ quas ob fruendas pristinas immunitates Cestrie Palatii subditi novo cuique Comiti impendunt, i. 3000 Marks for that County.* And at *Chester* they have a *Mise-Book*, wherein every Town and Village in the County is rated, what to pay towards the *Mise*.

Sometimes *Mises* are taken for Taxes, or Tallages. Anno 25 Edw. 1. cap. 5. Sometimes for Costs or Expences, as *pro misis & custagiis*, for Costs and Charges in the Entries of Judgments in personal Actions.

*Mise* is also a word of Art, appropriated to a Writ of Right, so called, because both parties have put themselves upon the mere right, to be tried by the grand Assise, or by Battel; so as that which in all other Actions is called an *Issue*, in a Writ of Right in that case is called a *Mise*. But, in a Writ of Right, if a collateral point be tried, there it is called an *Issue*; and is derived from *missum*, because the whole cause is put upon this point. *Coke on Littl. fol. 294. b. Anno 37 Edw. 3. cap. 16.* To joyn the *Mise* upon the Meer, is as much as to say, to joyn the *Mise* upon the cleer right, and that more plainly, to joyn upon this point, whether has the more right, the Tenant or Demandant.

*Mise* is sometimes used as a Participle, for cast or put upon. *Cokes 6 Rep. Saffins Case*; and sometimes corruptly for *Mease*, a Messuage, or Tenement: As a *Mise-place* in some Mannors is taken to be such a Messuage or Tenement as answers the Lord a Herriot at the death of its Owner. 2 Inst. fol. 528, which, in our French, is written *Mees*. *Ceste Endenture temoigne que come Will. Terrye de Dounham tiegne de Johan de Veer Coonte d'Oxenford un Mees & sjs acres de terre, &c. Dat. 14 Ed. 3. penes Wil. Andrew, Baronet.*

*Miserere*, Is the name and first word of one of the Penitential Psalms, most commonly that which the Ordinary gives to such guilty Malefactors, as have the Benefit of the Clergy allowed by Law; and it is usually called the *Psalm of Mercy*.

*Misericordia*, Is used for an Arbitrary Amerciament or Punishment imposed on any Person for an offence. For where the Plaintiff or Defendant in any Action is amerced, the Entry is always—*Ideo in misericordia, &c.* And it is called *Misericordia*, (as *Fitzherbert* says, *Nat. Br. fol. 75.*) for that it ought to be but small, and less than the offence, according to the tenor of *Magna Charta, cap. 14.* Therefore, if a Man be unreasonably amerced in a Court, not of Record, as in a Court Baron, &c. there is a Writ called *Moderata Misericordia* directed to the Lord, or his Bailiff, commanding them, that they take *Moderate Amerciaments*, according to the quality of the fault. *Est enim misericordia Domini Regis* (says *Glanville*) *quæ quæ per juramentum legalium hominum de viceneto, eatenus americiandus est, ne aliquid de suo honorabili comenemento amittat.* And again, *Multa lenior sic dicta, quod lenissima imponitur misericordia; graviores enim multas Fines vocant, atrocissimas, Redemptiones.* See *Glanv. pag. 75. a.* And see *Moderato Misericordia*. — We shall be in the great Mercy of the King. *Westm. 1. cap. 15.*

*Misfeasance*, Misdoings or Trespasses.—*Fury to enquire of all Purprestures and Misfeasances.*

2 Part Croke, fol. 498. And *Misfeasor*, a Trespasser. 2 Inst. fol. 200.

*Withertug*, Est de estre quit de amerciement par querelles en aucun Courts devant qui que il seyt, nent ordonement ou proprement demonstre. MS. LL. Temp. E. 2. See *Abisbersing* and *Miskering*.

*Miskennung*, (*Meskemunga*, LL. Hen. 1. cap. 12.) Iniqua vel injutta in jus vocatio; inconstanter loqui in Curia, vel invariare. — Renovamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Domine nostre perpetue Virginis Marie Sanctique Benedicti, Sanctarumque virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii, Sacham & Socham Theloneumque suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus apertius & plenius intelligantur, Anglice scriptas, scilicet, *Wundbiche*, *Heardwite*, *Fitwite*, *Blodewite*, *Miskeninge*, *Frithloke*, *Hamlockne*, *Forsfall*, *Fozphange*, *Ehetphange*, *Wangwite*, *Frithbuche*, *Ulepe*, *Antongeute*, *Supbiche*, *Tol & Tam*, aliasque omnes leges & Consuetudines que ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam. Confirm. Foundationis Monast. de Ramley per S. Edw. Conf. Mon. Angl. 1 par. fol. 237. Et in Civitate in nullo placito *Miskennagium*. — Carta H. 2. Civibus London.

*Miskering*, Hoc est quietus pro querelis coram quibuscumque in transumptione probata. MS. LL. in Bibl. Cotton. pag. 262. See *Miskering*.

*Misnomer*, (compounded of the Fr. *Mes*, which in composition always signifies *amiss*, and *nomer*, i. *nominare*,) the using one name for another, a *mis*terming, or *mis*-naming.

*Misprision*, (Fr. *Messis*, i. contempt, or neglect.) Signifies a neglect, negligence, or oversight; or *Misprision of Treason*, or *Felony*, is a neglect, or light account made of Treason or Felony committed, by not revealing it; when we know of it. *Stam. Pl. Cor. lib. 1. cap. 19.* or by suffering any person, committed for Treason or Felony, or suspicion of either, to go before he is indicted.

*Misprision of Clerks*, (*Anno 8 Hen. 6. cap. 15.*) Is a neglect of Clerks, in writing or keeping Records. By *misprision of Clerks* no Process shall be adnulled or discontinued. 14 Edw. 3. cap. 6. Stat. 1. For *Misprision of Treason*, the Offenders are to suffer imprisonment during the Kings pleasure, lose their Goods and the Profits of their Lands during their lives. *Misprision of Felony* is only Finable by the Justices, before whom the party is attained. *Cromp. J. of Peace*, fol. 40. Other faults may be accounted *Misprisions of Treason*, or *Felony*, because latter Statutes have inflicted that punishment upon them, whereof you have an example, *Anno 14 Eliz. cap. 3.* of such as coyn Foreign Coyns, not current in this Realm, and their Procurers, Aiders and Abettors. *Misprision* also signifies a mistaking. *Anno 14 Edw. 3. Stat. 1. cap. 6. v. 3 Inst.* fol. 36, and 139.

*Misarrail*, A false or erroneous Trial. *Crokes Rep. 3 Part*, fol. 284. *Delves Case*.

*Misuser*, Is an abuse of liberty, or benefit; As, He shall make Fine for his Misuser. *Old. Nat. Br.* fol. 149.

*Mitta*, Was an ancient, Saxon Measure, in use before the Conquest; its quantity does not certainly appear, some hold it to be same with *Corus*, others with *Modius*, and others, that it was *Mensura decem Modiorum*. In *Wich*, *salina* redd. 30 mittas *salis*. *Domesday*, tit. *Wrec. scire*. Ego *Wulfrun*, (uxor *Anketelli*.) *Singulis annis vite mee ad Festum S. Benedicti*, quod est in estate, decem mittas de *brasio* & quinque de *gruto* & quinque mittas *farina triticea* & 8 *Pernas* & 16 *caseos* & duas *vaccas pingues* de terra mea *Hicheling* pro respectu annuo eidem Ecclesie, (*Ramesiensis*) procurari decerno. *Lib. Rames. Sect. 38.* — Præterea concessi eis septem Mittas *Salis* quolibet Anno percipiendas apud *Witiz*, *Mon. Angl. 2 Par.* fol. 262. b.

*Mittendo manuscriptum pedis Finis*, Is a Writ Judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the foot of a Fine, acknowledged before Justices in Eyre, into the Common-Pleas, &c. *Reg. of Writs*, fol. 14.

*Mittimus*, Is a Writ by which Records are transmitted from one Court to another, as appears by the Stat. of 5 *Rich. 2. cap. 15.* as out of the Kings Bench into the Exchequer; And sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in 28 *Hen. 8. Dyer*, fol. 29. and 29 *Hen. 8. Dyer*, fol. 32. *Mittimus* also signifies the Precept that is directed by a Justice of Peace to a Jaylor, for the receiving and safe keeping a Felon, or other Offender, committed by the said Justice. See *Table of Reg. of Writs*, for other uses and applications of this word.

*Writ Tythes*, (*Decime mixtae*.) Are those of Cheese, Milk, &c. and of the young of Beasts. See *Coke*, 2 Part *Inst.* fol. 649. and see *Tythe*.

*Wockadoes*, (*Anno 23 Eliz. cap. 9.*) A kind of Stuff made in England, and elsewhere.

*Moderata misericordia*, Is a Writ that lies for him who is amerced in a Court-Baron, or other Court not of Record, for any Transgression or Offence beyond the quality of the fault. It is directed to the Lord of the Court or his Bailiff, commanding them to take a moderate *Amerciament* of the Party, and is founded upon *Magna Charta*, cap. 14. *Quod nullus liber homo amercietur, nisi secundum qualitatem delicti*, &c. The rest touching this Writ see in *Fitz. Nat. Br.* fol. 75. See *Misericordia*.

*Modius tetra vel agri*, — Sciendum est quod dedit Ilias pedum quatuor Modiorum agri circa se, cum omni censu suo, *Ecclesie Landavie*, &c. 3 *Mon.* fol. 200. This word was much used.



used in the ancient Charters of the British Kings; and probably contained the same quantity of Ground as with the Romans, viz. 100 Foot long, and as many broad. *Modius vini*, A Hoghead of Wine.

**Modo & forma**, Are words of Art in Pleadings, namely, in the Answer of the Defendant, whereby he denies to have done the thing laid to his charge, *modo & forma declarata*. *Kitchin*, fol. 232. The Civilians in like case, say, *Negat allegata, prout allegantur, esse vera*. Where *modo & forma* are of the substance of the Issue, and where but words of course, see *Coke on Littl.* fol. 281. b.

**Modus decimandi**, Is, when Land, a yearly Pension, Sum of Money, or other Profit belongs to the Parson, Vicar, &c. by Composition or Custom, in Satisfaction of Tythes in kind. *MS. penes Auth.* See 2 *Inst.* fol. 490.

**Molaria**. — *Et una Molaria, ubi mofoditur.* Domestic Day.

**Molasse**, or **Melasse**, (*Ital.* Melazzo. i. *Sacchari spuma*.) Anno 12 Car. 2. cap. 25. signifies the Lees or refuse Syrrup in the boiling of Sugar; with which (by the said Statute,) Wine is prohibited to be mingled, or adulterated.

**Molendinum bladonicum**, A Corn-Mill; for which in ancient Charters we also find *Molendinum bladum & molendinum de blado*. So a Fulling-Mill is thus variously Latin'd in Records, *Molendinum fullanicum*, *Mol. fullanicum*, *Mol. Fullere*, *Mol. Fullarium & Mol. de Fullere*.

A Wind-Mill, *Molendinum ad ventum, & venti*; *Molendinum ventriticum, & ventricium*. *Mola Pneumatica*.

A Water-Mill, *Molendinum aquaticum & aquatiliun*.

A Horse-Mill, *Molendinum Equitium*.

A Grinding, or Grist-Mill, *Molendinum molare*. *Molendinum bladiferum*. *Ex Cartis & Record. in Mon. Angl.*

**Molman**. *Prior. Lewens. pag. 21.* — *omnis Lanceta, omnis Tofman & omnis Molman (qui non sedet super Ogeland) debent spergere unam reiam de fiens, &c. Unam strigam vel tractum stercoreis.*

**Molmaria**, — *Et inveniet Maeremium, Molmaria, & les Winding-Yards pro reparatione dicti Molendini.* Carta 16 Hen. 6.

**Molmutian**, or **Molmutin Laws**, The Laws of *Dunwallo Molmutius*, Sixteenth King of the Britains, (who began his Reign 444 years before the Birth of our blessed Saviour,) were famous in this Land, till the time of *William the Conqueror*. *Ussers in Primord.* fol. 126. He was the first who published Laws in Britain; These, with the Laws of *Queen Mercia*, were translated by *Gildas* out of the British, into the Latin, Tongue.

**Monetarium**, *Fus & artificium cudendi monetar.*

**Monsters**, or **Monypore**, (*Monetarii*.) Ministers of the Mint, which make Coin, and deliver out the Kings Moneys. Anno 25 Edw. 3. cap. 20. *Reg. of Writs*, fol. 252. It appears that in ancient time our Kings of England had Mints in most of the Counties of this Realm; and in the *Treatise of the Exchequer*, written by *Ockham*, we find, that whereas Sheriffs ordinarily were ty'd to pay into the Exchequer the Kings Sterling-Money, for such Debts, as they were to answer, they of Northumberland and Cumberland were at liberty to pay in any sort of Money, so it were Silver; and the reason is there given, because those two Shires, *Monetarios de antiqua institutione non habent*, — *quod Abbas & Monachi predicti habeant unum Monetarium & unum Cuneum apud Rading ad monetam ibidem, tam ad obolos & Sterlings, quam ad Sterlings prout moris est fabricand. & faciend.* Memorand. Scacc. de Anno 20 Edw. 3. inter Record. de Trin. Rot. Moneyers are now also taken for Banquers, or those that make it their Trade to turn and return Money.

**Monger**, Seems to be a little Sea-Vessel, which Fishermen use, Anno 13 Eliz. cap. 11.

**Monopoly**, (from the Gr. *Μονο*, unus & *πωλίν*, vendo.) Is an Institution, or allowance of the King by his Grant, Commission, or otherwise, to any person or persons, of, or for the sole buying, selling, making, working, or using of any thing, whereby any person or persons are restrained of any freedom or liberty that they had before, or hindred in their lawful Trade; which is declared illegal by 21 Jac. cap. 3. Except in some particular cases, which see in 3 *Inst.* fol. 189.

**Monstrans de droit**, (i. Shewing of ones Right.) Signifies a Writ issuing out of Chancery, to be restored to Lands or Tenements, that indeed are mine in right, though, by some Office, found to be in possession of one lately dead. See *Stranf. Prer.* cap. 21. at large, and *Cokes Rep. lib. 4. fol. 54. Wardens of the Sadlers Case.*

**Monstraverunt**, Is a Writ that lies for Tenant, that hold freely by Charter in ancient Demaine, being distrained for the payment of any Toll or Imposition; contrary to the liberty, which they do, or should, enjoy. *Fitz. Nat. Br.* fol. 14.

**Month**, or **Moneth**, (*Sax.* *Monath*.) Shall be understood to consist of Twenty eight days. See *Coke*, lib. 6. fol. 61. b. And see *Kalendar-moneth*.

**Moot**, (from the Sax. *Moſian*, to treat, or handle,) Is well understood at the Inns of Court, to be that exercise, or arguing of Cases, which young Barristers and Students perform, at certain times, for the better enabling them for practise, and defence of Clients Causes. The place where Moot-cases were argued, was anciently called a Moot-hall, from the Sax. *Moſeal*.

In

In the Inns of Court there is a *Bailiff or Surveyor of the Moors*, who is yearly chosen by the Bench, to appoint the *Mootmen* for the Inns of Chancery, and to keep account of performance of Exercises both there and in the House. See *Orig. Juridicales*, fol. 212.

**Moot-house Court**, So the Hundred Court of Bingham in Nottinghamshire is called, and the place where 'tis held is called the *Moot-house-Pit*. *Antiq. of Nottinghamshire*, fol. 71. a.

**Mootmen**, Are those that argue Readers Cases, (called also *Moot-cases*) in the Houses of Chancery, both in Terms and in Vacations. *Cokes Rep. 3 Part in Proemio*.

**Moor**, a Moore, or more barren and unprofitable Ground than a Marsh. 1 *Inst.* fol. 5. a.

**Moor** *musta*, — *de quadam placea Moræ mustæ & vasti in villa de—* Mon. Angl. 2. par. fol. 306. b. A watery or boggy Moor; for such in Lancashire they call *Mosses* to this day. *Moressa* is also used in the same sense, 3 *Mon.* fol. 70. a.

**Moratur**, or **Demoratur** in *Lege*, Signifies as much as he *Demurs*; because the Party goes not forward in pleading, but rests or abides upon the Judgment of the Court in this point, who deliberate, and take time to argue, and advise thereupon. Whensoever the Counsel learned of the Party is of opinion, that the Count or Plea of the adverse party is insufficient in Law; then he *Demurs* or abides in Law, and refers the same to the Judgment of the Court. *Coke on Litt.* fol. 71. b. See *Demurer*.

**Morgangina**. Si sponsa virum suum supervixerit, dotem & maritacionem suam, cartarum instrumentis, vel testium exhibitionibus ei traditam perpetualiter habeat, & Morganginam suam. LL. Hen. 1. cap. 70.

**Moriam**, Is all one in signification with the French *Morion*, i. *Cassis*, a headpiece, and that that from the Italian *Morione*. Anno 4 & 5 *Phil. & Mary*, cap. 2. now called 2 *Pot*.

**Morling** alias **Morling**, Signifies that Wool which is taken from the Skin of a dead Sheep, whether dying of the rot, or being killed. Anno 4 *Edw.* 4. cap. 2 & 3. and 27 *Hen.* 6. cap. 2. This is written *Morkin*, Anno 3 *Jac.* cap. 18. *Morling* or *Shorling*, Anno 3 *Edw.* 4. cap. 1. and 14 *Car.* 2. cap. 18. See *Shorling*.

**Morsellum terræ**, a small parcel or bit of Land — & *unum Morsellum terræ juxta borreum suum*. Carta. 11 *Hen.* 3. par. 1. m. 33.

**Mortdancer**. See *Assize*.

**Mortgage** (*Mortuum vadium vel Mortgageum*) from the French *Mort*, i. *Mors*; and *Gage*, i. *Pignus*) Signifies a Pawn of Land or Tenement, or any moveable thing, laid or bound for Money borrowed peremptorily to be the Creditors for ever, if the Money be not paid at the day agreed on. And the Creditor, holding such Land on such Agreement, is in the mean time called *Tenant in Mortgage*. *Glanville* (lib. 10. cap. 6.) defines it thus, *Mortuum vadium dicitur illud, cujus fructus vel redditus interim percepti in nullo se acquietant*. Thus it is called a Dead

*Gage*, because whatsoever profit it yields, yet it redeems not it self by yielding such profit, except the whole sum borrowed be likewise paid at the day, the *Mortgagee* by Covenant being to receive the profits, till default of payment. He that lays this Pawn or *Gage*, is called the *Mortgager*, and he that takes it, the *Mortgagee*. This, if it contain excessive Usury, is prohibited Anno 37 *Hen.* 8. cap. 9.

**Mortmain** (*Manus Mortua*, i. Dead Hand. From the Fr. *Mort*, i. *Mors*, and *Main*, i. Hand) Signifies an Alienation of Lands or Tenements to any Corporation, Guild, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without Licence of the King, and Lord of the Mannor, or of the King alone, if it be immediately holden of him. The reason of the name proceeds from this, that the services and other profits due for such Lands, should not, without such Licence, come into a *Dead Hand*, or into such a Hand, as it were Dead, and so dedicate unto God, or pious uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor, or any Temporal or common use *Mag. Charta*, cap. 36. and 7 *Edw.* 1. commonly called the *Statute of Mortmain*. 18 *Edw.* 3. Stat. 3. cap. 3. and 15 *Rich.* 2. cap. 5. Which Statutes are something abridged by Anno 39 *Eliz.* cap. 5. whereby the gift of Land, &c. to Hospitals, is permitted without obtaining Licences of *Mortmain*. *Hottoman* in his Commentaries, *De verbis Feudal. verbo Manus mortua*, lays thus. *Manus mortua locutio est, quæ usurpatur de iis quorum possessio, ut ita dicam, immortalis est, quia nunquam heredem habere desunt. Quæ de causa res nunquam ad Priorem Dominum revertitur; nam Manus pro possessione dicitur, Mortua pro immortalis, &c.* And *Skene* says, *That Dimittere terras ad Manum Mortuam, est idem atque dimittere ad multitudinem sive universitatem. quæ nunquam moritur.* The President and Governors for the poor within the Cities of London, and Westminster, may without Licence in *Mortmain*, purchase Land, &c. not exceeding the yearly value of 3000 l. *Stat.* 14 *Car.* 2. cap. 9.

**Mortuary** (*Mortuarium*, rectius *Mortarium*) is a gift left by a Man at his death, to his Parish Church, in recompence of his Personal Tythes and Offerings, not duly paid in his life time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers Spiritual Instruction, and hath right to their Tythes. But by Custom in some places they are paid to the Incumbent of other Parishes, when the Corps of Dead Bodies pass through them. See the Statute 21 *Hen.* 8. cap. 6. before which Statute *Mortuaries* were payable in Beasts: The best, to the Lord for a Heriot, the second for a *Mortuary*. Now was it only *de meliori Averio, sed de meliori re. Mortuarium* (says *Lindwood*) sic dictum est quia relinquitur Ecclesie pro anima defuncti.



Custom in tract of time, did so far prevail, as that *Mortuaries* being held as due debts, the payment of them was enjoined, as well by the Statute *De circumspecte agatis*, in 13 Edw. 1. as by several Constitutions, &c. A *Mortuary* was anciently called *Daulestreat*, which signifies *pecunia sepulchralis*, or *symbolum anime*; after the Conquest it was called a *Cors-present*, (because the *Beast* was presented with the *Body* at the Funeral) and sometimes a *Principal*. Of which see a learned Discourse in the *Antiquities of Warwickshire*, fol. 679. And see *Seldens History of Tythes*, pag. 287. There is no *Mortuary* due by Law, but by Custom. 2 *Part Inst.* fol. 491. See *Spel. de Concil. Tom. 2.* fol. 390.

**MULS-TROOPERS**, Are a rebellious sort of Malefactors in the North of England, that live by Robbery and Rapine; not unlike the *Tories* of Ireland, *Buccaneers* in Jamaica, or *Banditi* in Italy, for suppression of whom, the Statutes 4 Jac. cap. 1.—7 Jac. cap. 1. and 14 Car. 2. cap. 22. were made.

**MOTE** (*Mota*) Sax. *ġemote* A Court, Plea, or Convention. As *Mota de Hereford*, i. *Curia vel placita Comitatus de Hereford*. *Charta Matildis Imperatricis filiae Regis Hen. 1.*—*Sciat is me fecisse Milonem de Glocestre, Comitum de Hereford & dedisse ei Motam Herefordiae cum toto Castello in Feudo & Hereditate*. Of this there were several kinds, a *Mittenagemote*, *Folgemot*, *Sciregemot*, *Hundredagemot*, *Burgemote*, *Mardegemote*, *Haligemot*, *Swainagemot*, &c.

Hence to **MOTE** or **MOOT**, i. To Plead, and in Scotland they call it to *Mute*, as *The Mure Hill at Scone*, i. *Mons placiti de Scona*. But we now most commonly apply the word *Moot*, to that practice of Pleading and Arguing Cases, which young Students use in the Inns of Court and Chancery.

*Mota* was sometimes used of old for a Fortrefs or Castle, or the site or place, where such Castle stood, as *Turrus de London & Mota de Windsor*—*Charta pacis inter Stephanum Regem & Hen. Ducem postea Regem*. See *Moot*.

**Mote**, Does also signify a standing Water to keep Fish in, or a great Ditch of Water encompassing a Castle or Dwelling-House—*Hec Indentura*—*testatur, quod praedictus Rogerus tradidit prefato Thome tria stagna & unam Motam piscariam existent. infra manerium Domini de Yeffyn, Habend. praedicta tria stagna & praedictam Motam cum tota piscatione in eisdem & cum incremento piscium in eisdem cum libero ingressu & egressu, &c.* Dat. 18 Feb. 11 Edw. 4.

**Muche hunt**.—*Habeant hi quatuor unam regalem potestatem, (salva semper nobis nostra praesentia) quaterque in anno generales Foresta demonstrationes & viridis & veneris forisfactiones, quas Muchehunt dicunt, &c.* Const. Canuti de Foresta, cap. 11.

**Mulier**, (as used in our Laws, seems to be corrupted from *Melior*, or the Fr. *Melieur*) Signifies the lawful Issue (born in Wedlock, though

begotten before) preferred before an Elder Brother born out of Matrimony. *Anno 9 Hen. 6. cap. 11. Smith de Republ. Angl. lib. 3. cap. 6.* But by *Glanville*, lib. 7. cap. 1. The lawful Issue seems rather *Mulier*, than *Melior*, because begotten e *Muliere*, and not ex *Concubina*, for he calls such Issue *Filius mulieratus*, opposing them to *Bastard*. And *Britton*, cap. 70. hath *Frere mulier*, i. The Brother begotten of the Wife, opposite to *Frere bastard*. This seems to be used in Scotland also: For *Skene* says, *Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before marriage, which is a *Bastard* and unlawful, and after he marries the Mother of the *Bastard*, and they have another Son, this second Son is called *Mulier*, and is lawful, and shall be heir to his Father: You shall always find them with this Addition, when compared, *Bastard eigne & mulier puisne*. See *Coke on Littl.* fol. 170, b. & 243. b.

*Mulier* also, was anciently used as an Addition; As, *omnibus— Domina Johanna de Foresta, mulier, salutem. Noverit universas vestra, quod, &c. dat. 3 Regis Edw. Filii Edw. Ex Autographo penes Authorem*. By this it was doubted whether *Mulier* signifi'd a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shews it the former, and is conform to what Sir Edw. Coke says, 2 *Inst.* fol. 434. That, of ancient time, *Mulier* was taken for a Wife, and sometimes for a Widow.

*Elizabetha Grendon filia & haeres legitima Domini Hamonis Peshal mil. dum vixit & Alicia uxoris suae filia quondam Roberti Harley & Johanne uxoris ejusdem Roberti, filii & haereditis quondam Roberti Harley mil. & Margareta uxoris suae pars appellans & attrix ex parte una, & Johanna Harley Mulier pars appellata & rea ex altera. Eadem Johanna Harley per Officialem Diocesis Middlesex, occasione frigiditatis sive impotentiae naturalis Roberti mariti sui coeundi. sive eam carnaliter cognoscend. mota, ab eodem Roberto separata fuit. Et nunc, ex supplicatione praefata Elizabethae Grendon, ea separatio cassatur & annullatur, & matrimonium inter eos solidum & firmum fuisse declaratur per instrumentum publicum. Dat. Anno 1400. Ex MS. penes Will. Dugdale Arm.*

**Muliertie** or **Muletie**, (*Coke on Litt.* fol. 352. b.) the being, or condition of a *Mulier*, or lawful Issue. *Fait a remembre que Osbart Parles engendra Reynald de Affeles en Bastardie; le quele Osbart enfeffa le dit Regnald en Fee en tote son tenement de Affeles, a lui & a ses heires a toutz jours: Le quele Reynald engendra Simon de Affeles en Mulerie, le quele Simon engendra Aliue, Agnes & Margerie en Mulerie.* MS. penes Will. Dugdale Arm.

**Mullones feni**, Cocks or Ricks of Hay. *Sciatis— quod ego Ricardus de Harrecurt concessi— Williel. de Sutton pro Homagio & servicio sua totam illam virgatam terre— in Sutton, una cum Messuagio, & pertin.— dictus vero Willielmus & haereditis sui arabant unam Seilonem ad yernagium* &

*Et unum Seilonem ad semen quadragesimale Et unum Seilonem ad Wareham, Et Sarcabunt per unum diem cum uno homine, Et falcabunt cum uno homine per unum diem in Estcia— Et invenient unum hominem ad levand. prata, Et cariabunt dicta prata cum una Carecta quousq; cariata sint plenarie in Curiam de Sutton, Et invenient unum hominem ad faciendum Mullones fani quousq; perficiantur Et facient quatuor Precarias autumnales cum duobus hominibus, scil. tres ad cibum illorum proprium Et quartum ad cibum Domini, Et cariabunt bladum per unum diem cum una Carecta, Et invenient unum hominem per unum diem ad faciend. Meyas in Grangia. Hec omnia Servitia, &c. Huius testibus Domino Henrico de Harrecur, &c. Penes Tho. Wollascot Arm.*

**Multa**, or **Multura** *Episcopi*, Is derived a *Multa*; for that it was a Fine, or final satisfaction given the King by the Bishops, that they might have power to make their last Wills and Testaments, and to have the *Probat* of other Mens, and the granting Administrations. See 2 *Inst.* fol. 491.

**Multiplication**, (*Multiplicatio*) *Multiplying*, or *Augmenting*. It is ordained and established, that none from henceforth shall use to Multiply Gold or Silver, nor use the Craft of Multiplication, and if any the same do, he shall incur the pain of Felony. Anno 5. Hen. 4. cap. 4. which Statute was made upon a presumption, that some persons skilful in Chymistry could multiply or augment those Metals, by *Elixir*, or other ingredients, and change other Metals into very Gold or Silver. For Letters Patent were granted by Henry the Sixth to certain persons, (who undertook to perform the same, and to find out the Philosophers Stone) to free them from the penalty in the said Stat. Rot. Pat. 34 Hen. 6. m. 13. Coke 3. *Inst.* fol. 74.

**Multitude**, (*Multitudo*) must (according to some Authors) be ten persons or more; but Sir Edward Coke says, he could never read it restrained by the Common Law to any certain number, but left to the discretion of the Judges. Coke on Litt. fol. 257.

A **Multo fortiori**, or a *Minore ad Majus*, Is an argument often used by Littleton, the force of it thus, —If it be so in a Feoffment, passing a new right, much more is it for the restitution of an ancient right, &c. Coke on Litt. fol. 253. a. and 260. a.

**Muttones** & **Mulcones**, Muttons, or rather Weathers, quia testiculis mutilati.— De vaccis 69, de bovetis 17, de boviculis 10, de multonibus 381, de Hurtis & muricis 207, de Hogris 121, de Agnis 100, de Porcis 33, de Hoggettis 126, Et de Porcellis 80, &c. Inventor. bonorum Priorat. de Tichfield Anno 1420. Item omnes Custumarii de Bromyard forinsecro debent falcare Et levare de consuetudine de Overrum-peney annuatim Et habebunt ab Episcopo unum Multonem precii viii d. Liber niger Episcopat. Heref. Rex tenetur Ottom de Grandisona in x mil-

libus multonum Anri — Pat. 33. Ed. 3. par. 2. where it seems to signify some obsolete Coyn of Gold.

**Multure**, (*Molitura* vel *Multura*) Signifies the Toll that the Miller takes for grinding Corn.— Et totam sequelam Customariorum molendinorum qui ad dictum molendinum bladum suum molent, ad sextum decimum vas, Et tra'cum suum sine Multura. Mon. Angl. 2 p. fol. 825. a. — aut it that will grind at his mill, to grind at xiii vessel. And so; their Wale n. g. a. give Multer, &c. An Award dat. 28 Hen. 6.

**Mundbrech** rectius **Mundbreche** (Sax. Mund. i. Munitio, Defensio, & Breve Fractio vel violatio.) Si Rex Ecclesiam, Monasterium, Burgum, hominem aliquem vel societatem, eorumve res aut pradia in suam susceperat protectionem, dicebatur hoc omne Et ejusmodi quicquid in Regis esse Mundio, Saxonice on Cyningsmunde, cujus violatio etiam Mundbpace dicta est. q. Protectionis violatio, lesio majestatis, aut data pacis fractio, que in Anglorum lege 5. libris plectebatur. Spelm. But Mundbrech is expounded in late times clausuram fractionem, a breach of Mounds, by which name Ditches and Fences are still called in some parts of England.

**Mundeburde**, (*Mundeburdum*, from the Sax. Mund. i. Tutela: And Bodd vel Bosph. i. Eidejussor.) Defensionis vel patrocinii fid. jussio Et stipulatio. A receiving into favor and protection. —Pippinus— Aquitania Rex— ut omnes res ad superscriptum Monasterium sub vestro Mundeburdo, vel immunitatis tuitione receperimus. Preuves de l'Hist. des Countes de Guyene. pa. 24.

**Muniments**, (*Munimenta*) Mat. Paris. fol. 311. Episcopus itaque cum Munimentorum inspectionem habere non potuit. Scripta scilicet authentica. Charta Donationum & Evidentiar. See *Miniments*.

**Muniment-house**, (*Munimen*) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House, or little Room of strength purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, College, &c. Such Evidences being called *Muniments*; corruptly *Miniments*, from *Munio*, to defend; because inheritances and possessions are defended by them. 3 Part *Inst.* fol. 170.

**Murage** (*Muragium*, Anno 3 Ed. 1. cap. 30.) Is reasonable Toll, to be taken of every Cart, or Horse, coming laden into a City or Town, for the building or repairing the Walls of it, for the safeguard of the People, and is due either by Grant or prescription. Cokes 2 Part *Inst.* fol. 222.

**Murder**, (*Murdrum*, from the Sax. Mordrep, or British *Murdwrn*. Fr. Meurtre. i. Internecio) Is a wilful and Felonious killing another upon premeditated Malice, whether secretly or openly, English man, or Forreigners, living under the Kings protection. 52 Hen. 3. cap. 25— 14 Ed. 3. cap. 4. *Premeditated malice* is either express or imply'd; *Express*, when it may be evidently proved, There



There was formerly some ill will : *Implied*, when one kills another suddenly, having nothing to defend himself, as going over a Style, or such like. *Crompt. Just. of P. cap. of Murder, fol. 19.* *Per parol de Murder en grants, le Grantee clama de aver amerciament de Murderers. Broke sit. quo warrant. 2.*

**Murengers**, Are two Officers in the City of Chester, of as great antiquity as any other in that City, being two of the principal Aldermen, yearly elected, to see the Walls kept in good repair, and to receive certain Toll and Customs for maintenance thereof.

**Muticians**. See *Minstrels*.

**Mussa** (lat.) a Mosse or Marsh ground — *Inter duram terram & humidam usq; ad Mussam, & sic descendendo per Mussam illam usque ad rivum. Pat. 12 Edw. 2. p. 1. 22.*

**Muster**, (from the Fr. *Moustre*. i. Specimen, Exemplum, as *Faire moustre generale de toute son armie*, Is as much as *lustrare exercitum*) the signification is well known. *Mustred of Record*, (*Anno 18 Hen. 6. cap. 19.*) Is to be enrolled in the number of the Kings Souldiers. *Master of the Kings Musters*. See in *Master*.

**Muster-master-general**, (*Anno 35 Eliz. cap. 4.*) See *Master of the Kings Musters*.

**Muta Canum** (Fr. *Meute de chiens*) a kennel of Hounds. The King at a Bishops or Abbats decease hath six things. 1. *Optimum equum sive Palefridum ipsius Episcopi cum sella & freno.* 2. *Unam Chlamydem sive Cloacam cum capella.* 3. *Unum Cippum cum co-opertorio.* 4. *Unum pelvem cum lavatorio.* 5. *Unum Annulum aureum.* 6. *Necnon Mutam Canum, que ad dom. Regem, ratione Prærogative sue spectant & pertinent.* *Hill 2 Ed. 2. in Stat. post mortem Epif. Bath. & Wellens. & Claus. 30 Edw. 1. m. 16.*

**Mute**, (*Mutus*) That speaks not; dumb, speechless. — A Prisoner may stand *Mute* two manner of ways. 1. When he speaks not at all, and then it shall be enquired, whether he stood *Mute* of malice, or by the act of God; if by the later, then the Judge *ex officio* ought to enquire, whether he be the same person, and of all other Pleas, which he might have pleaded, if he had not stood *Mute*. 2. When he pleads not-guilty, or does not directly answer, or will not put himself upon the enquest to be tried. *Coke 2 Part Inst. cap. 12. Anno 32 Hen. 8. cap. 3. See Pain Fort & Duwe.*

## N.

**Nam vel Naam**, (*Nanium*) (from the Sax. *Naman*, *capere*) Signifies the taking or distreining another mans moveable Goods, and is either lawful or unlawful : *Lawful Naam* is a reasonable Distress proportionable to the value of the thing distreined for; and this *Naam*

was anciently called either *Vif* or *Mort*, quick or dead, according as it is made of dead or quick Chattels. *Lawful Naam* is so either by the Common-Law, as when one takes another Mans Beasts *damage feasant* in his Ground; or by a Mans particular fact, as by reason of some contract made, that for default of payment of an Annuity, it shall be lawful distrain in such or such Lands, &c. *Horns Mirror of Justices. lib. 2. cap. de Naam.* See *Wibernam. non libebit Nanium sumere vel vadimonium, nec averia sua imparchiare. Mon. Angl. 2. Par. fol. 256. b. Nemo Nanium capiat in comitatu vel extra Comitatum, priusquam ter in Hundredo suo rectum sibi perquisierit. LL. Canuti MS. cap. 18. quod inscribitur de Naniis capiendis. Quod si reddere noluerint (debitores) nec ad distracionandum venire, tunc cives quibus debita sua debent, capiant in Civitate, Namia sua, vel de comitatu in quo manet, qui debitum debet. Car. Hen. 1. de libertat. London. See *Vetustum Nanium*.*

**Namatiou**, (*Namatio*) A distreining, or taking a distress. In Scotland it is used for impounding. *Nemo, veniens ad forum de Nottingham cum quadrigis & summagis suis a vespere diei veneris usque ad vespem diei Sabbati, nameretur, nisi pro firma Regis (Carta Hen. 2. Burgenf. de Nott.) i. shall not be distreyned.*

**Nannandum**. *Insuper obligavit eisdem Abbati & Conventui, nomine pignoris totum Tenementum suum quod est in parochia S. Edwardi Oxon. ad ingrediendum & Nannandum in eodem. &c. Charta Rogeri Bonivale Cordwarii Oxon. ad Osneyenses, in Reg. Canob. Osney. fol. 118. Haply from the French Nantir, to give or gain Seizin or Possession of.*

**Napperie** (*Anno 2 Ric. 2. cap. 1.*) (from the Ital. *Napperia*, i. *lintheamina domestica*) we may call it Linnen-clothery; or household Linnen.

**Narrator**, a Pleader, or Serjeant at Law. — *Et sciendum quod quidam Willielmus Lovel miles hic in Curia in presentia & audientia Justic. animo impetioso dixit cuidem Ade de Flitham Narratori predicti Petri in Assisa predicta placitanti, &c. Hill. 16. Edw. 3. in Scacc. Anciently Serviens Narrator was used for a Serjeant at Law. See *Serjeant*.*

**Nasse** or *Nesse*, (*Anno 4 Hen. 7. cap. 21.*) seems to have been the name of the Port at Orford in Suffolk; from the Sax. *Næse*, *promontorium*.

**Nathwyte**. — *Quod nec dictus Philippus de Avery, nec heredes sui de catero petere possint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, que vocatur Nathwyte. Carta 55 Hen. 3. m. 6.* Perhaps, from the Sax. *Nyp*. i. *Lewdness*, and so it might signifie the same with *Nair-wite*.

**Nativity**, (*Nativitas*) Birth; Casting the Nativity, or, by calculation, seeing to know how long the Queen should live, &c. made *Felony*

lony, Anno 23 Eliz. cap. 2. *Nativitas* was anciently taken for *Bondage*, or *Villanage* — *terram, quam Nativi sui temerunt de se in Nativitate.* Mon. Angl. 2 par. fol. 1643. a.

**Nativo habendo,** Was a Writ that lay to the Sheriff, for a Lord, whose Villain, claimed for his Inheritance, was run from him, for the apprehending and restoring him to his Lord. Reg. of Writs, fol. 87. Fitz. Nat. Br. fol. 77.

**Nativus,** Is qui natus est servus, & sic differat ab eo qui se vendidit passus est. Servos enim alios Bondos dicimus, alios Nativos, alios Villanos. Bondi sunt qui pactionis vinculo se astrinxerint in servitutem, unde & nomen, nam **Bond**, anglice vinculum, Bondi quasi astricti nuncupantur. De Nativis jam supra. Villani, sunt qui glebe ascripti villam colunt Dominicam, nec exire licet, sine Domini licentia. Spelm. Vide Chart. Rich. 2. quia omnes manumittit a Bondagio in Com. Hertford. Walsingham, pag. 254. — Quod si aliquis Nativus alicujus in prefato Burgo manserit & terram in eo tenuerit, & fuerit in predicta Gilda & Hansa & Loth & Scoth cum eisdem Burghensibus nostris per unum annum & unum diem sine Calumpnia, deinceps non possit repeti a Domino suo, sed in eodem Burgo liber permaneat. Carta Hen. 3. Burghensibus: Mungumery.

**Native tenentes,** Sunt (ipsi etiam liberi,) qui terram tenent Nativam: Hoc est Nativorum servitium obnoxiam. Spelm.

**Nativi de stipite,** F. C. Nativus de Stipite quondam tenuit in villenagio ut de Stipite unum Messuagium in Rillaton, &c. Survey of the Duchy of Cornwall, where there is also mention of *Nativi Conventionarii*: The first were Villains or Bondmen by Birth or Stock: The other, by Contract or Covenant. Servi enim alii natura, alii facti & alii empione, alii redemptione, alii sua vel alterius datione. LL. Hen. 1. cap. 76.

**Naturalization,** (Naturalizatio,) Is when an Alien born is made the King's Natural Subject. See Denizen.

**Ne admittas,** Is a Writ that lieth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darein Presentment* depending in the Common Bench, and fears the Bishop will admit the Clerk of the Defendant, during the Sute between them; which Writ must be sued within six Months after the avoidance, because after the six Months, the Bishop may present by Lapse. Reg. of Writs, fol. 31. Fitz. Nat. Br. fol. 37.

**Neat-land,** (Sax.) Terra Villanorum: Land let or granted out to the Yeomanry. Ex Vet. Charta.

**Negative Pregnant,** (Negativa Pregnans,) Is a Negative, which implies or brings forth an Affirmative; as, if a Man, being impleaded to have done a thing on such a day, or in such a place, denies that he did it *Modo & forma declarata*, which implies, nevertheless, that in some sort he did it. Or, if a Man be impleaded, for having alienated Land in Fee, &c. he denying, that he hath alienated in Fee; this is a *Nega-*

*tive*, which includes an Affirmative, for it may be he hath made an Estate in Tayl. Dyer, fol. 17. num. 95. And see Brook, loc. cit.

**Neif,** (Fr. Naif; i. Naturalis, Nativus,) Signifies a Bond-woman, a She-Villain. Mentioned Anno 9 Rich. 2. cap. 2. See *Nativus*. Anciently Lords of Mannors sold, gave or assigned their Bondmen and Women, as appears by,

*Sciatis quod ego Radulphus de Crombewel Miles Senior & Dominus de Lambeley dedi Domino Vicario de Dedeling Beatricem filiam Will. Hervei de Lambeley quondam Nativam meam, cum tota sequela sua, cum omnibus catallis suis perquisitis & perquirendis. Habend. & Tenend. predictam Beatricem cum tota sequela sua & omnibus catallis suis & omnibus rebus suis perquisitis & perquirendis predicto Domino Roberto vel suis assignatis libere quiete bene & in pace imperpetuum, &c. In cujus, &c. hiis rebus — Dat. apud Lambeley in die Sancti Laurentii Martyris. Anno 13 Edw. 3. See Manumission.*

**Writ of Neifty,** Was an ancient Writ, now out of use, whereby the Lord claimed such a Woman for his Neif, wherein but two Neifs could be put.

**Ne injuste veres,** Is a Writ that lies for a Tenant, who is distrained by his Lord for other Services, than he ought to make, and is a Prohibition to the Lord in it self, commanding him not to distrain. The special use of it is, where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint, than he needed; For, in this case, by reason of the Lord's seisin, he cannot avoid him in *Avowry*, and therefore is driven to this Writ, as his next remedy. Reg. of Writs, fol. 4. Fitz. Nat. Br. fol. 10.

**Nesse,** (Anno 4 Hen. 7. cap. 21.) See *Nasse*.

**Ne vicecomes,** Colore mandati Regis, quoniam amoveat a possessione Ecclesie minus juste. Reg. of Writs, fol. 61.

**Nicol,** Anciently used for Lincoln. In Fascic. Petition. in Turri London, 30 Edw. 1. 7 Edw. 1. & sepe alibi.

**Nient comprise,** Is an exception taken to a Petition as unjust, because the thing desired is not contained in that Act or Deed, whereon the Petition is grounded. For Example, one desires of the Court to be put in possession of a House, formerly among other Lands, &c. adjudged to him: The adverse Party pleads, that this Petition is not to be granted, because, though the Petitioner had a Judgment for certain Lands and Houses, yet this House is not comprised among those, for which he had Judgment. New Book of Entries, tit. Nient comprise.

**Nient dedire,** (Stat. 29. Car. 2. cap.) To suffer Judgment to be had against one by *Nient dedire*, i. by not denying or opposing it, by default.

**Nisse,** (Anno 3 Edw. 4. cap. 5.) Both Cowel and Spelman have it without any explication. I suppose it a corruption from *nihil*, and to signify



**Nisse** a Toy, or thing of small value; for we Yet say. (in some parts of England,) *Nisses* and *Trifles*. Others think it comes from the Fr. *neuf*, *novus*, q. d. *neufes*, or *News*.

**Nihil**, or **Nichils**. (*Anno 5 Rich. 2. Stat. 1. cap. 3. and 27 Eliz. cap. 3.*) Are *Issues*, which the Sheriff, that is apposed, says, are *Nothing* worth, and illeivable, for the insufficiency of the Parties that should pay them. *Practice of the Exchequer*, pag. 101. *Accompes of Nihil* shall be put out of the Exchequer. *Anno 5 Rich. 2. Stat. 2. cap. 13. Vide 4 Inst. 106.*

**Nihil dicit**, Is a failing to put in Answer to the Plaintiffs Plea by the day assign'd; which, if a Man do omit, Judgment passeth against him, as saying *nothing*, why it should not.

**Nihil capiat per breve**, Is the Judgment given against the Plaintiff, either in bar of his Action, or in abatement of his Writ. *Coke on Litt. fol. 363.*

**Nisi prius**, Is a Writ Judicial, which lies in case, where the Enquest is panelled, and return'd before the Justices of the Bank, the one Party or the other desiring to have this Writ for the ease of the Country; whereby the Sheriff is willed to bring the Men empanell'd to *Westminster*, at a certain day, or before the Justices of the next Assises; *Nisi die lune apud tale locum prius venerint*, &c. See the form of it in *Old Nat. Br. fol. 159.* and see the Statute 14 Edw. 3. cap. 15. and that of York, 12 Edw. 2. and *Westm. 2. cap. 30.* See *Justices of Nisi prius*, and 4 *Inst. fol. 161.*

**Nocata terræ**. — *Qui tenuit dimidiam virgatam terræ vel Nocatam terræ, vel Cottagium* — *Customar. de Sutton Colfield.* See *Nook of Land.*

**Noces & Noctem de firma**. We often meet in *Domesday* with *tot Noctes de firma*, or *firma tot Noctium*; which is to be understood of Meat and Drink, or Entertainment for so many Nights.

**Nobility**, (*Nobilitas*,) With us compriseth all Dignities above a Knight; so that a Baron is the lowest degree of it. *Smyth de Repub. Angl. lib. 1. cap. 17. v. Coke, lib. 9. Count of Salop's Case.*

**Documento**. See *Nissance*.

**Nomina Villarum**. King Edw. 2. (*Anno Regni 9*) sent his Letters to every Sheriff in *England*, enjoining them to take an exact account, and return into the *Exchequer* the Names of all the *Villages*, and the Possessors thereof in every County; which was done accordingly; and the returns of the Sheriffs being all put together, is called *Nomina Villarum*, remaining still in the *Exchequer*.

**Nomination**, (*Nominatio*,) Is taken for a Power, that a Man, by virtue of a Manhor, or otherwise, hath, to appoint a Clerk to a Patron of a Benefice, by him to be presented to the Ordinary.

**Non-ability**, Is an exception taken against the Plaintiff or Demandant, upon some cause,

why he cannot commence any Sure in Law; as *Premuniri*, *Outlawry*, *Villanage*, *professed in Religion*, *Excommunication*, or because he is a *stranger born*; howbeit the last holds only in actions real or mixt, and not in personal, except he be a Stranger and an Enemy. The Civilians say, such a Man has not *Personam standi in judicio*. See *Brooke, hoc tit. and Fitzh. Nat. Br. fol. 35. 65 and 77.*

**Non admittas**. See *Ne admittas*.

**Nonage**, Is all the time of a Man's Age, under One and twenty Years in some Cases, or 14 in others, as Marriage. See *Brooke, tit. Age. See Age.*

**Non capiendo Clericum**. See *Clericum non capiendo*.

**Non-claim**, Is an omission, or neglect of a Man, that claims not within the time limited by Law; as within a year and day, where continual claim ought to be made, or within five years after a Fine levied. *Vide Coke, lib. 4. in Proem. and Continual Claim.*

**Non compos mentis**, Is a Man of no sound Memory and Understanding, of which there are four sorts. First, An *Idiot*, who, from his Nativity, by a perpetual infirmity, is *Non compos mentis*. Second, He that by Sickness, Grief, or other accident, wholly loseth his Memory and Understanding. Third, A *Lunatick*, that has sometimes his Understanding, and sometimes not, *aliquando gaudet lucido intervallo*. Lastly, He that, by his own Act, for a time, deprives himself of his right mind, as a *Drunkard*; but that kind of *Non compos mentis* shall give no Privilege or Benefit to him or his Heirs; and a Descent takes away the Entry of an *Idiot*, albeit the want of Understanding was perpetual. *Coke, lib. 4. Beverley's Case.*

**Non distringendo**, Is a Writ comprizing divers particulars, according to divers Cases, which you may see in the Table of Reg. of Writs.

**Non est culpabilis**, Is the general Plea to an Action of Trespass, whereby the Defendant does absolutely deny the Fact, charged on him by the Plaintiff; whereas in other special Answers, the Defendant grants the Fact to be done, but alledges some Reasons in his defence, why he lawfully might do it. And, as this is the general Answer in an Action of Trespass, that is, an Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Sute of the King, or other, wherein the Defendant denies the Crime objected to him. See *New Book of Entries, tit. non Culp. & Stamf. pl. Cor. lib. 2. cap. 62.*

**Non est factum**, Is a Plea to a Declaration, whereby a Man denies that to be his Deed, whereupon he is impleaded. *Brooke, hoc titulo.*

**Non implacitando aliquem de libero tenemento sine brevi**, Is a Writ to inhibit Bailiffs, &c. from Distreining any Man, without the King's Writ, touching his Freehold. *Reg. of Writs, 171. b.*

**Non**

**Non intromittendo quando habe Pri-  
pe in capite subdito impetratur.** Is a Writ  
which had dependence on the Court of Wards,  
and therefore now obsolete. *Reg. of Writs, fol.*  
*4. b.*

**Non merchandizando victualla.** Is a Writ  
directed to the Justices of Assize, commanding  
them to enquire, whether the Officers of such a  
Town do sell Victualls in gross, or by retail dur-  
ing their Office, contrary to the Statute, and  
to punish them, if they find it true. *Reg. of*  
*Writs, fol. 184.*

**Non molestando.** Is a Writ that lies for  
him, who is molested contrary to the King's  
Protection granted him. *Reg. of Writs, fol.*  
*24.*

**Non obstante.** Notwithstanding, Is a word  
or Clause usual in Statutes and Letters Patents.

—All grants of such Pensions, and every  
Non obstante therein contained shall be void.  
*Stat. 14 Car. 2. cap. 11. v. 3 Part Crokes Rep.*  
*fol. 196. and Plow. Com. fol. 501, 502.* In Henry  
the Third's time the Clause *Non obstante* (brought  
in by the Pope) was taken up by the King in  
His Grants and Writings. See *Pryn's Animad-*  
*versions on 4 Inst. fol. 129.*

**Non omittas.** Is a Writ lying, where the  
Sheriff delivers a former Writ to a Bailiff of a  
Franchise, in which the Party, on whom it is  
to be served, dwells, and the Bailiff neglects to  
do it: In this case the Sheriff returning, that  
he delivered it to the Bailiff, this shall be di-  
rected to the Sheriff, charging him to execute the  
King's Command himself. *Old Nat. Br. fol. 44.*  
Of this the *Reg. of Writs* has three sorts, *fol. 82.*  
*b. 151.*

**Non-plevin.** It was enacted 9 *Edw. 3. 2.*  
That none thenceforth should lose his Land, be-  
cause of *Non-plevin*, that is, when the Land  
was not replevied in due time.

**Non ponendo in assis & Juratis.** Is a  
Writ founded upon the *Stat. Westm. 2. cap. 38.*  
and the *Stat. Articuli super Chartas, cap. 9.* which  
is granted upon divers Causes to Men, for the  
freeing them from serving upon Assises and Ju-  
ries, as by reason of old Age, &c. See *Fitz.*  
*Nat. Br. fol. 165. and Reg. fol. 179, 181.*

**Non procedendo ad Assisam Rege incon-  
sulto.** Is a Writ to stop the Trial or a Cause  
appertaining to one, who is in the King's Ser-  
vice, &c. until the King's pleasure be farther  
known. *Reg. fol. 220.*

**Non residentia pro Clericis Regis.** Is a  
Writ directed to the Ordinary, charging him  
not to molest a Clerk employ'd in the King's  
Service, by reason of his *Non-residence*. *Reg. of*  
*Writs, fol. 58. b.*

**Non Residence.** (*Anno 28 Hen. 8. cap. 13.*)  
Is applied to those Spiritual Persons, that are  
not Resident, but do absent themselves by the  
space of one Month together, or two Months  
at several times in one year, from their Digni-  
ties, Prebends, or Benefices. For Regularly,  
Personal Residence is required of Ecclesiastical

Persons upon their Cures. See 2 *Part Instit.*  
*fol. 623.*

**Non solvendo pecuniam, ad quam Cleri-  
cus muldatur pro non Residentia.** Is a Writ  
prohibiting an Ordinary to take a pecuniary  
mult, imposed upon a Clerk of the Kings for  
*Non-Residency*. *Reg. of Writs, fol. 59.*

**Non sute.** (*i. Non est Persecutus, &c.*) Is a  
Remuneration of the Sute by the Plaintiff or  
Demandant, most commonly upon the disco-  
very of some Error or Defect, when the Mat-  
ter is so far proceeded in, as the Jury is ready at  
the Bar, to deliver their Verdict. *Anno 2 Hen. 4.*  
*cap. 7.* See the *New Book of Entries, verbo,*  
*Non sute.* The Civilian term is *Litis Remuncia-*  
*tionem.*

**Non-tenure.** Is an Exception to a Count, by  
saying, That he holdeth not the Land mention-  
ed in the Count, or at least some part of it.  
*Anno 25 Edw. 3. Stat. 4. cap. 16. West, par.*  
*2. Symb. tit. Fines, sect. 138.* Mentions *Non-ten-*  
*ture general*, and *Non-tenure special*: This is an  
Exception, alledging, That he was not Tenant  
the day whereon the Writ was purchased: *Ge-*  
*neral* is, where one denies himself ever to have  
been Tenant to the Land in question. See *New*  
*Book of Entries, verbo, Non-tenure.*

**Non sum informatus.** See *Informatus non*  
*sum.*

**Non sane memorie.** (*Non sane memoria.*)  
Is an Exception taken to any Act, declared by  
the Plaintiff or Demandant to be done by an-  
other, and whereon he grounds his Plaint or  
Demand: And the effect of it is, that the  
Party that did that Act, was mad or not well  
in his Wits when he did it, or when he made  
his last Will and Testament. See *New Book of*  
*Entries, tit. Non sane memorie.* See *Non compos*  
*mentis.*

**Nones.** (*Nones.*) In March, May, July, and  
October, are the six days next following the first  
day, or the Calends. In other months they  
are the four days next after the first; but the  
last of these days is properly called *Nones*, and  
the other reckoned backward, according to the  
number distant from the *Nones*, as the third,  
fourth, or fifth *Nones*. They are called *Nones*,  
because they begin the ninth day before the *Ides*.  
*Dates of Deeds by Nones, Ides, or Calends, is*  
*sufficient. 2. Inst. fol. 675.*

**Non-term.** (*Non terminus.*) Is the time of  
Vacation between Term and Term. It was  
anciently called *The Times or Days of the Kings*  
*Peace.* *Lamb. Archa. fol. 126.* And what these  
were in the time of King Edward the Confessor,  
see there. See *Peace of God, and the Church.*  
This time was called *Justicium* or *Feria* among  
the Romans, or *dies nefasti.* *Ferias appellari*  
*notum est tempus illud, quod forensibus negotiis*  
*& jure dicendo vacabat.* *Brissou. de verb. signif.*  
*lib. 6.*

**Noke of Land.** (*Noka terra.*) I have seen an  
old Deed of Sir Walter de Pedwardyn, wherein  
12 Acres and an half were granted for a *Noke of*  
*Land*; but I think the quantity was not certain.



**Parroy.** (*Quasi, North-roy.* The Northern King.) The Third of the Three Kings at Arms, whose Office lies on the Northside of Trent, as *Clarencius* on the South; and is mentioned in the Stat. 14 Car. 2. cap. 33. See *Herald*.

**Notary.** (*Notarius.*) Anno 27 Edw. 3. cap. 1. Is a Scribe or Scrivener that takes Notes, or makes a short draught of Contracts, Obligations, or other Instruments. Claus. 13 Edw. 2. m. 6. *Sebedula consuta eidem memb. de Notariis Imperialibus non admittendis.*

**Notae of a Fine.** (*Nota Finis.*) Is a Brief of a Fine made by the Chirographer, before it be engrossed: The Form whereof see in *West.* par. 2. Symbol. tit. Fines, sect. 117.

**Not guilty.** See *Non est culpabilis.*

**Novale.** (*Ex Cartulario Abbathie de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.*) Item nota quod Novale est ager nunc primum præcisus, ut extra verborum significationibus innovatus, ubi Glossa dicitur Novale, terra de Novo ad culturam redacta, cujus non extat memoria quod fuisset ibidem: Et quod Novale semel fuit, semper erit Novale, quoad decimarum retentionem vel solutionem. Land newly ploughed or converted into Tillage. — Excepta decima Novalium cujusdam terre, quam de novo excoluerunt. Pat. 6 Edw. 3. pa. 1. m. 19. See *Fruitectum*.

**Novas oblata.** De Novis oblatis nichil scribatur in Rotulo annali, nisi ea de quibus Vicecomites respondent, & debita inventa in Originalibus que videntur esse clara. Claus. 12 Edw. 1. m. 7. dorso. See *Oblata*.

**Novel Assignment.** (*Nova Assignatio.*) Is in an Action of Trespas, an Assignment of Time, Place, or such like, in a Declaration more particularly than it was in the Writ. Brooke, tit. Deputy, num. 12. And *Trespas* 122. See *Assignment*.

**Novel disseisin.** See *Affise of Novel Disseisin*.

**Notungeld.** So *Cornagium* was called in our utmost Northern Countries. See *Cornage*.

**Noyles.** (*Anno 21 Jac. cap. 18.*) — No person shall put any Hocks, Noyles, Thrams, Hairs, or other deceitable thing into any broad Wollen Cloth, &c.

**Nude Contract.** (*Nudum Pactum.*) Is a bare Contract or Promise of a thing, without any consideration given therefore: *Ex quo non oritur Actio*.

**Nude Matter.** See *Matter*.

**Ad Numerum.** *Civitas Cant. reddit 24 l. ad numerum* Domesday, that is, by Number or Tale, as we call it. And *Libra pensata, vel ad pondus*, was by weight. See *Libra Arse*.

**Nummata terra.** Is the same with *Denariata terra*, by some taken to be an Acre. *Sciatis me (Wil. Longespe.) dedisse & concessisse Ecclesie Sancte Marie de Walsingham & Canonici ibidem Deo servientibus in perpetuam Eleemosinam 40 Nummatis terre in Walsingham, &c.* See *Fardingale*.

**Quincupative Will.** See *Will*.

**Novia.** (*Novia.*) Signifies an holy, or consecrated Virgin, or a Woman that hath, by Vow, bound her self to a single or chaste Life, in some place, or company of other Women, separated from the World, and devoted to a special Service of God, by Prayer, Fasting, and such like holy Exercises. *Comel.*

**Novus obit.** Is a Writ that lies for a Coheir, being deforced, by her Coparcener of Lands or Tenements, whereof their Grandfather, Father, Uncle, or Brother, or any other, their common Ancestor, died seised of an Estate in Fee-simple. See the form of the Writ in *Reg. of Writs*, fol. 226. and *Fitz. Nat. Br.* fol. 197. If the Ancestor died seised in Fee-tail then the Coheir deforced shall have a *Formedon*, *Ibidem*.

**Nuisance.** (from the Fr. nuire, i. nocere.) Signifies not only a thing done to the annoyance of another in his free Lands or Tenements, but the Affise or Writ lying for the same. *Fitz. Nat. Br.* fol. 183. And this Writ *De Nocumento*, or of Nuisance, is either simply, *De Nocumento*, or *De parvo Nocumento*; and then it is *Vicomitiel*. *Old Nat. Br.* fol. 108. *Britton*, (cap. 61. & 62.) calls it *Nofance*. *Mamood* (pa. 2. cap. 17.) makes three sorts of Nuisance in the Forest; the first is, *Nocumentum commune*; the second, *Nocumentum speciale*; the third, *Nocumentum generale*, of which, read there. See *Coke's Fifth Report*, *Williams Case*. *Writs of Nuisances*, see the Stat. 6 Rich. 2. cap. 3. Now much turned into *Trespases* and *Actions* upon the Case.

**Notegeld or Neutgeld.** *Carta antiq. S. n. 29.* A certain Tribute paid in *Westmorland* and *Cumberland*; perhaps the same with *Horngeld*: For by *Neut* or *Neat* is, in some Counties, understood, Cattle.

O.

**O. Ni.** — The course of the Exchequer is, That as soon as a Sheriff enters into his Account for Issues, Amerciaments, and Mean Profits, to mark upon his Head, O. Ni. which signifies *Oneratur, nisi habeat sufficientem exonerationem*, and presently he becomes the Kings Debtor and a *Debet* set upon his Head; whereupon the Parties *peravails* are become Debtors to the Sheriff, and discharged against the King. 4 *Inst.* fol. 116.

**Oale, gavel.** See *Gavelfester*.

**Oategavel.** See *Gavel*.

*Wath,*

**Oath** (*Furamentum*) Is a calling Almighty God to witness that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a Sacred Tye, or Godly Vow. And it is called a *Corporal Oath*, because the party, when he swears, toucheth with his right hand the *Holy Evangelists*, or Book of the New Testament. *Coke 3 Part. Inst. cap. 74.* See the several Oaths of many of the Officers of this Kingdom in the *Book of Oaths* lately Printed. In a Deed of *William de Elmham* Knight, in French, Dat. 19 April, 49 Edw. 3. is this old fashioned Oath, — *Promettant per lay foye de mon Corps & de Chevalerie, que si Dieu moy voille mesnez en savete, &c. ico delivra les avantditz sommes, &c.* MS. Penes Will. Dugdale, Ar. And anciently at the end of a Legal Oath was added, *So help me God at his holy wome.* i. Judgment. *Black Book of Heref. fol. 46.*

**Obedientia**, Was a Rent, as appears by *Hovedens Annals*, parte pester. fol. 430. *Ut ergo eis, (scil. Regularibus) adimatur opportunitas evagandi, prohibemus, ne redditus quos obedientias vocant, ad firmam teneant* — In the Canon Law it is used for an Office, or the administration of it. Whereupon the word *Obedientiales* in the Provincial Constitutions is used for those who have the execution of any Office under their Superiors, *cap. 1. de statu Regular.* It may be some of these Offices called *Obedientia*, consisted in the Collection of Rents, or Pensions, and that therefore those Rents were by a Metonymy called *Obedientia*, *quia colligebantur ab obedientialibus.* Concil. Eboracens. Anno 1195.

**Obit**, (Anno 1 Edw. 6. cap. 14. and 15 Car. 2. cap. 9.) A Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lie in the Church uninterred: Also the Anniversary-Office. *Croke 2 Part. fol. 51. Hillways Case.* It was held 14 Eliz. Dyer 313. That the tenure of *Obit*, or *Chauntry Lands* held of the subjects is extinct by the Act of 1 Edw. 6.

**Objurgatrices**, Scolds, or unquiet Women.

*Item, quia per Objurgatrices & meretrices multa mala in villa oriuntur, viz. lites, pugnae, seu verberationes, diffamationes, & tranquillitatis perturbaciones, tam de nocte quam die, ac Scismata inter Vicinos Ville seu Burgi nostri predicti, ac inobedientie contra Ballivos & alios ministros suos, ac alie multe inquietationes per earum butesius & clamores. Igitur utimur de eisdem, quod cum captae fuerint, habeant judicium de le Gogynge-stoole, & ibi stabunt nudis pedibus, & suis criminibus pendentibus & dispersis, tanto tempore, ut aspici possint ab omnibus per viam transeuntibus, secundum voluntatem Ballivorum nostrorum Capitulum; Et post judicium factum, ducantur ad Gaolam, & ibi morantur quousque redemptionem fecerint pro suis offensionibus & delictis ad Voluntatem Ballivorum & Communitatis; Et si per tale judicium noluerint castigari, a villa ejiciantur, & hoc per Ballivos cum posse Communitatis, si non*

*per se fuerit, propter plura mala discrimina & pericula, que per eas oriri possint, & necum per illas, sed etiam per earum manutentores; Et si earum manutentores sint de nostris Comburgensibus, fiat de illis sicut de perjuris & tranquillitatem ville perturbantibus, & eo facto amittant libertatem.* MS. LL. liberi Burgi ville de Mountgomery a tempore Hen. 2.

**Oblata**, Properly Offerings. But, in the Exchequer it signifies old Debts, brought, as it were, together from precedent years, and put to the present Sheriffs charge. See the *Practice of the Exchequer. pag. 78.* Also Gifts or Oblations made to the King by any of his Subjects; which were so carefully heeded in the Reigns of King John, and Henry the Third, that they were entered into the *Fine Rolls* under the Title *Oblata*; and, if not paid, esteemed, and put in charge to the Sheriff; concerning which, you may see *Mr. Fab. Philips Book of the Antiquity and legality of Royal Purveyance*, *Sir Henry Spelman's Glossary*, and *Mr. Prin's Aurum Regine.* See *Nova Oblata.*

**Oblations**, (*Oblationes*) in the Canon-Law are thus defined, *Dicuntur quaecumque piis fidelibusque Christianis offeruntur Deo & Ecclesie, sive res solidae sive mobiles sint.* See *Spel. de Concil. To. 1. fol. 393. Anno 12 Car. 2. cap. 11.*

**Obligation** (*Obligatio*) Is a Bond containing a penalty, with a condition annexed for payment of Money, performance of Covenants, or the like; And a *Bill* is commonly without penalty, and without condition; yet a *Bill* may be Obligatory. *Coke on Litt. fol. 172.*

**Obligor**, Is he that enters into such an Obligation; and, *Obligee* is he to whom it is entered into. Before the coming in of the Normans, (as we read in *Ingulphus*) Writings Obligatory were made firm with golden Cresses, or other small signs or marks; But, the Normans began the making such Bills and Obligations with a Print, or Seal in Wax, set to with every ones special Signet, attested by three or four Witnesses. In former time many Houses and Lands thereto passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlords Sword or Helmet, with his Horn or Cup: Yea, and many Tenements were demised with a Spur or Curry-comb, with a Bow, or with an Arrow. See *Wang.*

**Obolata terra**, Is (in the opinion of some Authors) half an Acre of Land; but others hold it to be but half a Perch. *Thomasius* says *Obolum terrae* contains ten foot in length, and five in breadth. See *Fardingdeal.* But — *Dedi duas solidatas, tres denariatas & obolatum annui redditus.* *Carta Johannis de Strete 26 Ed. 3.* signifies 2 s. 6 d. halfpenny yearly Rent.

**Obventions** (*Obventiones*) Offerings: 2 Inst. fol. 661. Also Rents, Revenue, properly of Spiritual Livings. Anno 12 Car. 2. cap. 11. — *Margeria Marescalla Comitissa de Warewyke universis Sanctae matris Ecclesie filiis, &c. dedi — omnes obventiones, tam in decimis majoribus & minoribus, quam in aliis rebus de assartis*



*de Wigenoc & decimam pannagii & venationis de Wigenoc & de Rinsell, &c. MS. penes Will. Dugdale. Mil.*

**Occationes.** *Essarta vulgo dicuntur que apud Isidorum Occationes nominantur.* Lib. niger Scacc. pa. 1. cap. 13.

**Occupant.** If Tenant *per terme dauter vie* dies, living *cestuy que vie*; he that first enters shall hold the Land during that other mans life, and he is in Law call'd an *Occupant*, because his title is by his first *occupation*. And so, if Tenant for his own life grant over his Estate to another, if the Grantee dies, there shall be an *Occupant*. *Coke on Litt. cap. 6. Sect. 56. and Bulstrods Rep. 2 Part. fol. 11, 12.*

**Occupation**, (*Occupatio*.) Signifies the putting a man out of his Freehold in time of War, and is all one with *Disseisin* in time of peace, saving that it is not so dangerous, *Coke on Litt. fol. 249. b.* Also Use, or Tenure, as we say, such Land is in the Tenure or Occupation of such a Man, that is, in his possession or management. See *Terre-Tenant*. Also Trade or Occupation. 12 Car. 2. cap. 18. But, *Occupationes*, in the Stat. de Bigamis, cap. 4. are taken for Usurpations upon the King; and, it is properly, when one usurpeth upon the King, by using Liberties or Franchises, which he ought not to have; As an unjust entry upon the King into Lands and Tenements, is called an *Intrusion*, so an unlawful using of Franchises is an *Usurpation*; but, *Occupationes* in a large sense, are taken for *Purprestures*, *Intrusions*, and *Usurpations*. 2 Inst. fol. 272.

**Occupavit**, Is a Writ that lies for him, who is ejected out of his Land or Tenement in time of War; As, a Writ of *Novel Disseisin* lies for one ejected in the time of Peace.

**Octave**, (*Octavus*) The eighth day after any Feast inclusively. See *Uras*.

**Octo tales.** See *Tales*, & *Brook. tit. Octo Tales*.

**Odo & atia**, (*Anno 3 Ed. 1. cap. 11.*) anciently called *Breve de bono & malo*, is a Writ sent to the under-Sheriff, to enquire, whether a Man, being committed in Prison, upon suspicion of Murder, be committed upon *Malice* or *Ill-will*, or upon just suspicion. *Reg. of Writs, fol. 133. b.* See *Bracton, lib. 3. Part. 2. cap. 20. and Stat. 28 Edw. 3. cap. 9.* *Atia* was anciently written *Hatia*, or *Haya*, for *Hate*, from the Sax. *Hatician*, to wax hot, to rage; also to hate; not *Aria*, quia *Malitia est acida*, as Sir Edw. Coke has it in his 9 Rep. fol. 506. and in 2 Inst. fol. 42. See *Spelm. on Aria*.

**Office**, (*Officium*) Signifies not only that Function, by virtue whereof a man has some employment in the affairs of another, as of the King, or other person; But also an Inquisition made to the Kings use of any thing by virtue of his Office, who enquireth. Therefore we often read of an *Office found*, which is such a thing found by Inquisition, made *Ex Officio*. In which signification 'tis used *Anno 33 Hen. 8. cap. 20. and in Stamf. Prærog. fol. 60. & 61.*

where to *Traverse an Office*, is to *Traverse an Inquisition* taken of Office before an Escheator. And in *Kitchin, fol. 177.* to return an Office, is to return that which is found by virtue of the Office. See also the new Book of Entries, *verbo, Office pur le Roy*; And this is by a Metonymy of the effect. In this signification there are two sorts of Offices issuing out of the Exchequer by Commission, viz. An Office to entitle the King in the thing enquired of, and an Office of Instruction, which read in *Cokes Rep. Page's Case*.

**Office in Fee**, Is that, which a Man hath to him and his heirs, *Anno 13 Ed. 1. cap. 25. Kitchin, fol. 152.* See *Clerk*.

**Officium hyrnelles & Overherneffa.** — *Si autem post Excommunicationem & satisfactionem venerint, forsacturam suam, que Anglice vocatur Officium hyrnelles seu Cablice, pro unaquaque vacatione Episcopo suo reddant.* Concil. Wintonie temp. Lanfranci Archiep. Anno 1076. See *Glois, in x. Scriptores, verbo, Overherneffa*.

**Official**, (*Officialis*) Signifies him, whom the Arch-deacon substitutes for the executing his Jurisdiction, as appears by the Statute 32 Hen. 8. cap. 15. In the Canon-Law it is he, to whom any Bishop does generally commit the charge of his Spiritual Jurisdiction; And, in this sense one in every Diocese is *Officialis principalis*, whom our Statute and Laws call *Chancellor*; the rest, if there be more, are by the Canon-Law called *Officiales foranei*, but by us *Commissaries*. The word is also by some modern *Civilians* applied to such as have the sway of temporal Justice.

**Officiarius non faciendis vel amovendis**, Is a Writ directed to the Magistrates of a Corporation willing them not to make such a man an Officer, and to put him out of the Office he hath, until enquiry be made of his Manners, according to an Inquisition formerly ordained. *Reg. of Writs, fol. 126. b.*

**Officium curragii Pannorum** granted to *William Osburn Extratt. Fin. Cancellar. 2 Edm. 2. m. 18.*

**Ofgangfordel**, i. *transitus ad Ordaliu* — *Eantque (rei) ad triplex Judicium, quod Angli Ofgangfordel vocant.* Constit. Canuti de Foresta, cap. 11.

**Oleron Laws**, or the *Sea-Laws of Oleron* (*ulianenses Leges*) So called, because they were made by King *Richard the First* when he was there, and relate to maritime affairs, *Coke on Litt. fol. 260. b.* They are recorded in the black Book of the Admiralty. This Oleron is an Island, which lies in the Bay of *Aquitaine*, at the Mouth of the River *Charent*, belonging now to the French King. See *Selden's Mare Clausum, fol. 222, & 254.* And *Pryn's Animadversions on 4 Inst. fol. 107, & 126.*

**Olympiad**, (*Olympias*) The space of five years; by which King *Ethelbert*, in a certain Charter of his, computed the years of his Reign — *Consentiens, signo sancte Crucis subscripsi in Olympiade 4 Regni mei.* *Spelm.*

**Ouerando,**

**Quetando pro rata portionis**, Is a Writ that lies for a Joint-tenant, or Tenant in Common, that is distreined for more Rent, than the proportion of his Land comes to. *Reg. of Writs*, fol. 182. b.

**Onus importandi**, i. The burden or charge of importing, mentioned in the Stat. 12 Car. 2. Art. 28.

**Onus probandi**, i. The burden or charge of proving, Anno 14 Car. 2. cap. 11.

**Open Law**, (*Lex manifesta, lex apparens*) Is making of Law, which (by *Magna Charta*, cap. 28.) Bailiffs may not put men to, upon their own bare assertions, except they have witnesses to prove their imputation. See *Law*.

**Opentheof**, i. Open theft. *Quedam placita vel crimina emendari non possunt, que sunt Opentheof, Bernet, Openthet, Beremozd, and Lazoziwic, &c. LL. Hen. 1. cap. 13.*

**Orā**—Ego frater Nigellus Dei gratia Abbas Bertoniae, dedi, in Capitulo nostro & omnes fratres mei mecum, terram de Ocovere, Ormæ, hac conventionem, ut unusquisque anno nobis xx oras persolvat, & proinde factus est homo noster, &c. fine dat. This was Saxon-Money, or Coin, which valued xvi d. a piece, (often found in *Domesday*) and sometimes according to the variation of the Standard xxd. *Homines de Berkholte in Com. Suff. dicunt quod tempore Regis Hen. Avi domini Regis nunc, solebant habere talem Consuetudinem, quod quando maritare volebant filias suas, solebant dare pro filiabus suis maritandis duas Oras, quæ valent xxxii denar. Pla. coram Rege, Mich. 37 Hen. 3. Rot. 4.* It was the same with our Ounce.

**Orchal**, (*Anno 1 Rich. 3. cap. 8.*) Orchal, (*Anno 24 Hen. 3. cap. 2. and 3 & 4 Edw. 6. cap. 2.*) Seems to be a kind of Cork, or rather a kind of Stone like Alum which Diers use in their Colours.

**Ordeff**, or **Oredelf**, (*Effossio materiei metallice vel ipsius metalli* (from the Sax. *Opæ, Metallum & delfan, Effodere*, Is a word often found in Charters of Privileges, and is taken for a liberty, whereby a Man claims the Ore found in his own ground. It properly signifies Ore, lying under-ground; As a Delf of Coal is Coal lying in Veins under-ground, before it is digged up.

**Ordel**, (Sax. *Opdæl*. Lat. *Ordalium*.) Signifies great Judgment, from the Sax. *Op*, *Magnum & deal, Judicium*. It was used for a kind of Purgation practised in the time of Edward the Confessor, and since even to King John and Henry the Thirds time, whereby the party purged was judged, *Expers criminis*, called in the Canon-Law, *Purgatio vulgaris*. *LL. Edw. Conf. cap. 9.* There were two sorts of it, one by Fire, another by Water; *Liber per ferrum candens, rusticus per aquam*. *Glanv. lib. 14. cap. 1. pa. 114.* This Ordalian Law was condemned by Pope Stephen the Second, and (to use Sir Edward Coke's words) *Fuit onste per Parliament, come appiert Rot. Pat. de Anno 3 Hen. 3. Membr. 5.*

**Henricus (3) Dei Gratia Rex, &c. dilectis & fidelibus suis Philippo de Ulcedt & Sociis suis Justiciariis itinerantibus in Comitibus Cumberland, Westmerland, and Lancaster, Salutem.** *Quia dubitatum fuit & non determinatum ante inquisitionem itineris vestri, quo judicio deducendi sunt illi qui reſtati sunt de Larrocino, Murdro, incendio & his similibus, cum prohibitum sit per Ecclesiam Romanam Judicium Ignis & Aquæ; Provisum est a Concilio nostro, ad præſens, ut in hoc itinere, sic fiat de reſtatis de hujusmodi excessibus, viz. Quod illi qui reſtati sunt de criminibus prædictis majoribus, & de eis habeatur suspicio quod culpabiles sint de eo unde reſtati sunt (de quibus etiam licet Regnum nostrum abjurarent adhuc suspicio esset quod postea malefacerent) teneantur in Prifona nostra, & salvo custodiantur, ita quod non incurrant periculum vitæ vel membrorum occasione prifonæ nostræ. Illi vero qui mediis criminibus reſtati fuerint & quibus competeret Judicium Ignis vel Aquæ, si non esset prohibitum, & de quibus, si regnum nostrum abjurarent, nulla fuerit postea malefaciendi suspicio, Regnum nostrum abjurent. Illi vero qui minoribus reſtati fuerint criminibus, nec de eis fuerit mali suspicio, salvos & securos plegios inveniant de fidelitate & pace nostra conservanda, & sic dimittantur in terra nostra. Cum igitur nihil certius providerit in hac parte Consilium nostrum ad præſens, relinquimus discretionem vestræ hunc Ordinem prædictum observandum in hoc itinere vestro, ut qui personas hominum, formam delicti, & ipsarum rerum veritatem melius cognoscere poteritis, hoc Ordine secundum discretionem & conscientias vestras in hujusmodi procedatis. Et in cuius Rei Testimonium, &c. Teste Domino P. Wintoniensi Episcopo apud West. 26 die Jan. Anno regni nostri tertio. Per eundem & H. de Burgo Justiciarium. See Spelman at large upon this subject, fol. 436. Coke, lib. 9. de Strata Marcella. and Sax. Dict. verbo, *Opdæl*.*

**Ordinance of Parliament**, is the same with *Act of Parliament*. For in the Parliament Rolls, Acts of Parliament are often called *Ordinances*, and *Ordinances*, *Acts*. If there were any difference between them, it was this, That an *Ordinance* was but a temporary Act, by way of Prohibition, which the Commons might mend at their pleasure; and an Act of Parliament a perpetual Law, which they could not alter without the King and Lords consent. See *Rot. Parl. 37. Ed. 3. nu. 38. Prym's Animad. on 4 Inst. fol. 13.*

**Ordinance of the Forest**, (*Ordinatio Forestæ*) Is a Statute made in the 34 year of Ed. 1. touching Forest-matters. See *Affise*.

**Ordinary**, (*Ordinarius*) Though in the Civil Law, whence the word is taken, it signifies any Judge that has authority to take Cognisance of Causes in his own right, as he is a Magistrate, and not by deputation; yet in our Common Law it is properly taken for the Bishop of the Diocess, or he that has ordinary Jurisdiction in Causes Ecclesiastical, immediate to the King, and his Courts



of Common Law, for the better execution of Justice. *Coke on Litt. fol. 344. Westm. 2. cap. 19. — 31 Ed. 3. cap. 11. and 21 Hen. 8. cap. 3.*

**Ordinatio contra servientes**, Is a Writ that lies against a Servant, for leaving his Master against the Statute, *Reg. of Writs, fol. 189.*

**Orea**. — *Unum Messuagium ad Orea sua facienda.* Mon. Angl. 2 vol. fol. 265. a.

**Ostio**, (from the Sax. *Opf*, Pecun. and *Sild*. *Solutio vel redditio*) A delivery or restitution of Cattel: But Lambert says, 'tis a restitution made by the Hundred or County, of any wrong done by one that was in pledge. *Arch. pa. 125.* or rather a penalty for taking away of Cattel.

**Ostrace**, (*Aurifrisum*, i. *vestis acupista aureis filis*) frizled or embroidered Cloth of Gold, made and used in England, both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the Templers to deliver such Jewels, Garments, and Ornaments as they had of His in keeping, among which he names *Dalmaticum velatum de Orefren. i.* A Dalmatic, or Garment, guarded with *Ostraces*. And of old the Jacquets, or Coat-armors of the Kings Guard were also termed *Ostraces*, because adorned with such Goldsmiths work.

**Osgallous**, *Reclius Oguillous*, (from the French *Orgueil*, i. Pride) Proud, Haughty, Lofly-minded. *Art. against Card. Woolsey. 4 Inst. fol. 89.*

**Osgie**, (*Anno 31 Ed. 3. Stat. 3. cap. 2.*) Is the greatest sort of North-sea-fish; (for the Statute says, They are greater than *Lob-fish*.) In these days called *Organ Ling*, which is a corruption from *Orchney*, the best being taken near that Island.

**Originalia**, In the *Treasurers Remembrancers* Office in the Exchequer, are Records, or Transcripts sent thither out of the Chancery; and are distinguish'd from *Recorda*, which contain the Judgments and Pleadings in Sutes tryed before the *Banons*.

**Orelli**, Signifies the Claws of a Dogs foot, from the Fr. *Orteils des peds*, i. *Digitum pedum*, the Toes. 'Tis used in *Pupilla oculi*, *Chap. de Char. Ferst. par. 5. cap. 22.*

**Ortolagium**. — *pro uno Ortolagio & nona garba totius lucrationis de dominio de B. Mon.* Angl. 1. a Garden plot.

**Osmonds**, or **Olemonds**, (*Anno 32 Hen. 8. cap. 14.* and I find in *Spelmans Gl.* mention of a Laft of *Osmonds*;) Is a kind of Ore or Iron-stone, assuming the nature of Iron, and it seems was anciently brought into England.

**Oswaldes law**, (*lex Oswaldi*) by which was understood the ejecting marrying Priests, and introducing Monks into Churches, by *Oswald* Bishop of *Worcester* about the year 964.

**Oswalds law** Hundred, is an ancient Hundred in *Worcestershire*, so called of *Oswald* Bishop of *Worcester*, who obtain'd it of King *Eadgar* to be given to *St. Mary's* Church there; It comprehends 300 Hides of Land, and is exempt from the Jurisdiction of the Sheriff. *Cam. Brit. Tit. Worcestershire.* See the Charter in *Spelm. Cou-*

*cils. 1 Tom. fol. 432.* and the Leiger Book of *Worcester* in *Bibl. Cotton.*

**Ouch**, (*Anno 24 Hen. 8. cap. 13.*) A kind of Collar, or Neck-lace of Gold, or such like ornament, worn by women about their necks: Sometimes used for a bofs or button of Gold.

**Owely of services**, Is equality of services; as, when the *Tenant paravail* owes as much to the *Mesn*, as the *Mesn* does to the *Lord Paramount*. *Fitz. Nat. Br. fol. 136.* So *Owely of partition*. *Coke on Litt. fol. 169.*

**Oversamella**, *Si quis furi obtraverit, & sine vociferatione gratis cum dimiserit, emendet secundum Weram ipsius furi, vel plena lada se adlegiet, quod cum eo falsum nescivit: Si quis audito clamore supersedit, reddat Oversamella regis, aut plene se laidiet.* Lib. rub. cap. 36. This seems to have been an ancient Penalty or Fine (before the Statute for *Hue and Cry*) laid upon those, who hearing of a Murder or Robbery, did not pursue the Malefactor. *3 Inst. fol. 116.*

**Overt act**, (*Apertum factum*) An open, plain, evident act, *3 Inst. fol. 12.*

**Overt word**, (*An. 1 Mar. Sess. 2. cap. 3.*) An open, plain word; from the Fr. *Ouvert*.

**Ouster le main**, (Fr. *Ouster le main*, i. To take off the hand) Signifies a Livery of Lands out of the Kings hands, or a Judgment given for him that Traversed, or sued a *Monstrance le droit*; For, when it appear'd, upon the matter discussed, that the King had no right nor title to the Land he seized, Judgment was given in Chancery, that the *Kings bands be removed*, or taken off, and thereupon *Amoveas manum* was awarded to the *Escheator*, to restore the Land, &c. *Stamf. Prærog. cap. 24.* It is written *Oser le maine*, *25 Hen. 8. cap. 22.* But now all Wardships, Liveries, Primerseifins, and *Ouster le mains*, &c. are taken away and discharged by *12 Car. 2. cap. 24.*

**Ouster le mer**, (Fr. *Oultra. i. Ultra*, & *le mer*, mare,) Is a cause of excuse, or essoin, if a man appear not in Court upon Summons, for that he was then beyond the Seas. See *Essoin*.

**Ousted**, (From the Fr. *Oster*, to remove, or put out) As, ousted of the possession, (*Peck's Case. Mich. 9 Car. 1. 3 Part Crokes Rep. fol. 349.*) that is, removed, or put out of possession.

**Ousfangebet**, (from the Sax. *Uc*, i. *Extra*, *Fang*, i. *Captio vel Captus* & *Peof*, i. *Fur*, quasi, *fur-extra-captus*.) Is a liberty or privilege, whereby a Lord is enabled to call any man (dwelling in his Fee, and taken for Felony in another place,) to Judgment in his own Court. *Rastals Expos. of Wids. Anno 1 & 2 Ph. & Ma. cap. 15.* Per *Ousfangebet* *Edwardus* *Sutton miles Dominus de Dudley*, &c. *clamat quod quandoque aliquis latro, qui est homo ipsius Edwardi de Dominio suo predicto; de aliqua feloniam convictus fuerit, pro qua suspendi debeat, in quacunque Curia idem felo sit convictus, ducatur ad fircas ipsius Edwardi per Ministros suos, & ibidem suspendatur.* Pl. in *Itin. apud Cestriam. 14 Hen. 7.*

**Outlaw**, (Sax. *Utlazhe*. Lat. *Utlagatus*.) Significat bannitum extra legem. *Fleta*, lib. 1. cap.

47. One deprived of the benefit of the Law, and out of the Kings protection. *Forisfacit utlagatus omnia que pacis sunt; quia à tempore quo utlagatus est caput gerit lupinum, ita quod ab omnibus interfici possit & impune; maxime si se defenderit vel fugerit, &c.* *Bracton*, lib. 3. Tract. 2. cap. 11. num. 1, & 3. see *Utlary*. But, in the beginning of *Edward the Third's* Reign, it was resolved by the Judges, that it should not be lawful for any Man, but the Sheriff only, (having lawful warrant therefore) to put to death any Man Outlawed. *Coke on Littl.* fol. 128. b. See *Capias Utlagation*, & *Utlagh*.

**Outparters**, (*Anno 9 Hen. 5. cap. 8.*) A kind of Thieves in *Ridesdale*, that took Cattel or other Booty without that liberty: Others think they were such as lay in wait for robbing any Man or House. See *Intakers*.

**Out-riter**, Are Bailiffs errant, employ'd by Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to summon Persons into their County, or Hundred Courts. *Anno 14 Edw. 3. Stat. 1. cap. 9.*

**Dwelly**. See *Ouelty*.

**Organg of Land**, (*Bovata terre*.) is commonly taken for fifteen Acres; Six Oxgangs of Land are as much as six Oxen will plough. *Crompt. Jurisd.* fol. 220. *Bovatus terræ, i. Quantum sufficit ad iter vel actum unius bovis.* Dr enim est bos: Gang vel gate, iter. See *Coke on Littl.* fol. 69. a. In *Lincolnshire* they corruptly call it an *Osken* of Land.

**Oyer and Terminer**, (Fr. *Ouir & Terminer*.) Is a Commission especially granted to certain Persons, for the hearing and determining one or more causes. This was wont in former times to be only in use upon some sudden Outrage or Insurrection in any place. See *Crompt. Jurisd.* fol. 131. and *Westm. 2. cap. 29.* who might grant this Commission. And *Fitz. Nat. Br.* fol. 100. for the form and occasion of the Writ, and to whom it is to be granted. And *Brook hoc titulo*. A Commission of Oyer and Terminer is the first and largest of the five Commissions, by which our Judges of Assise do sit in their several Circuits. See *Assise*. In our Statutes it is often printed *Oyer and Determiner*. See 4 *Inst.* fol. 162.

**Oyer**, Seems to have been anciently used for what we now call *Assises*. — Come *Hawise de veer moy impleda devant Justices en le Oyer de Chelmsford par un brief de Novel Disseisin*, &c. *Anno 13 Edw. 1.* See *Assise de Novel Disseisin*.

**Oyer de Record**, (*Audire Recordum*.) Is a Petition made in Court, that the Judges for better proof sake, will be pleased to bear or look upon any Record. So likewise to demand Oyer of a Bond, Deed, or Covenant.

**Oyez**, (a corruption from the Fr. *Oyez*, i. Hear ye.) Is well known to be used by the Cryers in our Courts, to enjoyn silence or attention, when they make Proclamation of any thing.

P.

**Paagium**. *Matth. Paru.* fol. 769. Fecit equos meos & homines restare donec Paagium extorquisset. *Paagium*, scil. five telonium exactum pro transitu per alterius ditionem, says the *Glos.*

**Pack of Wool**, Is a Horse-load, which consists of Seventeen Stone, and Two Pound. *Fleta*, lib. 2. cap. 12. See *Sarp'ar*.

**Packers**, (*Anno 15 Car. 2. cap. 14.*) Are those that barrel or pack up Herrings, and they are to be sworn to do it according to the said Statute.

**Packing Whites**, (*Anno 1 Rich. 3. cap. 8.*) A kind of Cloth so called.

**Pacification**, (*Pacificatio*.) *Anno 17 Car. 1. cap. 17.* A peace-making, quieting, or appealing; relating to the Wars betwixt England and Scotland, *Anno 1638.*

**Padrage**, The same with *Panrage*. In *Charta Regu Hen. 1. Ecclesia S. Martini de Bello*.

**Pagamenz**, A sort of Frize-cloth so called; I find it in the Journal Book of the Lords House of Parliament, in a Statute of 1 *Eliz.* not Printed.

**Pain fort & dur**, (Fr. *Peine fort & dure*.) Signifies an especial punishment for those, that being arraigned of Felony, refuse to put themselves upon the ordinary tryal of God and the Country, and thereby are mute, or such in Interpretation of Law, and is vulgarly called *Pressing to Death*. This is founded upon *Westm. 1. cap. 12.* This strong and hard pain shall be in this manner inflicted.

HE shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall lie naked on the Earth, without any Litter, Ruffes, or other Cloathing, and without any Rayment about him, but only something to cover his Privy-members; and he shall lie upon his Back with his Head covered and his Feet; and one Arm shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter; and in the same manner it is to be done with his Legs, and then there is to be laid upon his Body Iron and Stone, so much as he may bear, or more; and the next day following, he is to have three Morfels of Barley-bread without Drink, and the second day Drink three times, and as much at each time as he can drink of the Water, next to the Prison door, except it be Running Water, without any Bread: And this to be his Diet until he die. *Stamf. Pl. Cor. lib. 2. cap. 60.*

**Pais**, (Fr.) A Country or Religion. *Trial per pais*, quod non intelligendum est de quovis populo, sed de Compagnibus, hoc est, eorum qui ex eodem sunt Comitatibus, quem majores nostri pagum



*Eum dixere, & incolae inde Pais; g in i vel y converso.* Spelman's Glossar.

**Palatin.** See *County*.

**Palfrey.** (*Palfredus, Palafredus, & Palefridus, Fr. Palefray.*) *Insignioris equi genus, nempe qui ad pompam aut honorem vectorum manu ducitur, vulgo Paltrey, ex Gal. Par le frain.* And sometimes of old taken for a Horse for a Womans Saddle. *W. Fauconbergo tenebat Manerium de Cukenei in Com. Nott. in Sergientia, per servitium ferrandi (of shooting,) Palefredum Regis, quando Rex venerit ad Mansfeld; says Camden, out of an ancient Inquisition. See Coke on Littl. fol. 149. & 13 Ed. 1. cap. 42.*

**Palfrey-silver.** — *Customam ibidem (i. at Belvoir Castle) vocat. Paltrey-silver, quae levare debet annuatim de Villis de Botelesford Northampton, Herdeby, &c. & aliis Hamlettis. Elchaet. 23 Edw. 3. Post mortem Gul. de Roos de Hamlake.*

**Palitex.** A Park Pale. *Q. Eliz. granted Wigmore Park to Tho. Compton and others cum omnibus Paliceis, muris, &c. Pat. 43 Eliz. p. 4.*

**Paltingman.** (*Anno 22 Edw. 4. cap. 23. and 11 Hen. 7. cap. 23.*) Seems to be a Merchant Denizen; one born within the English Pale. But Dr. Skinner judges it to signify a Fishmonger, or Merchant of Fish; and I find the word mentioned in an ancient MS. touching the Customs of the City of London, under the Title *De Salmonibus Vendendis.*

**Palls,** (*Anno 25 Hen. 8. cap. 20.*) Are Pontifical Vestures made of Lambs Wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behind, which the Pope gives or sends to Archbishops and Metropolitans, and sometimes, upon extraordinary occasion, to Bishops, who are not Metropolitans, who wear them about their necks at the Altar, above their other Ornaments. The Pall was first given to the Bishop of Ostia by P. Marcus the Second, Anno 336. And the Preface to an ancient Synod here in England, wherein Odo, Archbishop of Canterbury, presided, begins thus: — *Ego Odo humilis & extremus, divina largiente clementia, almi Praefuli & Pallii honore ditatus, &c.* Selden's Hist. of Tythes, p. 217. See Cressy's Church History, fol. 972. and the Book called *Blamyr* in the Praerog. Office, and Sir Reg. Twissden's Hist. Vindication, fol. 41.

**Palmitata.** A handful. *Johannes Rex. Sciatis nos pro amore Dei concessisse — Leprosis S. Egidii de Salopesbiria, quod habeant Palmatas bladi & farinae de omnibus saccis, qui cum blado & farina exponuntur ad vendendum in mercato Salopesbiriae, tam diebus mercati quam aliis, sicut eas habuerunt tempore Hen. Regis, Patris nostri, de dono & elemosyna ejusdem Regis, sc. de unoquoque sacco bladi Palmatam duarum manuum, & de sacco farinae, palmatam unius manus, sicut eas habuerunt de dono & elemosyna praedicti Regis, diebus suis, & sicut eas modo habent & habere debent. Quare volumus, &c. Dat. per manum S. Praepositi Beverlaci & Archid. Wellensis apud Wudestoke xix. die Martii anno Regni nostri quinto.*

**Palmetry,** (*Anno 1 & 2 Phil. & Ma. cap. 4.*) A kind of Divination practised by looking on the Lines and Marks of the Fingers and Hands; a deceitful art used by Egyptians, mentioned in the said Statute, and there misprinted *Palmystry.*

**Pandoratrix.** — *Item utimur de Pandoxatricibus, quod nemo potest brasiare sive pandoxare in Villa & Burgo nostro, nisi per redemptionem aliquam factam ad voluntatem Comburchensium nostrorum, & si talis Pandoxatrix brasiaverit & Assisam Domini nostri Regis in Burgo & Villa positam & Proclamatam fregerit; Tunc debet per Balivos amercari ad voluntatem Balivorum nostrorum, & non per pares suos primo & secundo, & si tertia Vice Assisam fregerit, debet capi per Balivos Capitales, & publice Duci ad locum ubi situatur le Coggingstole, & ibi debet eligere unum de duobus, viz. An velit le Coggingstole ascendere, an illud judicium redimere ad voluntatem Balivorum. Ex Codice MS. de Legibus, Statutis & Consuetudinibus liberi Burgi Villae de Mountgomery, à tempore Hen. 2. fol. 12. b. In Goldman's Dictionary, I find Pandox, for a Drunkard, or Swilbowl, and Pandoxatorium, a Brew-house: But Pandoxatrix here seems to signify an Ale-wife, that both brews and sells Ale or Beer.*

**Pandorando.** — *Concessi etiam ei cum cacubo suo proprio pandoxando & lorrando ubicunque poterit. Carta Walteri Muchegros. sine dat. i. Liberty of Brewing and Washing in his own Kettle.*

**Panel.** (*Fortescu de legibus Angl. cap. 25. And Coke on Littl. pag. 158. b. write it Panellum in Latine; but Sir H. Spelman says, Hoc minus congrue, and deduces it from Pagella, g in n transeunte, sic veteres quidam manifestat pro magnificat.*) A Schedule or Page; as a Panel of Parchment, or a Counterpane of an Indenture: But it is used more particularly for a Schedule or Roll containing the Names of such Jurors, as the Sheriff returns, to pass upon any Trial. *Reg. of Writs, fol. 223. a. Kitchin, fol. 226.* And the Empanelling a Jury, is the entering their Names by the Sheriff into a Panel, or little Schedule of Parchment; in *Panello Assise.* Anno 8 Hen. 6. cap. 12.

*Haud recte D. Coke in Gloss. ad Littl. sect. 234. who says, Panel is an English word, and signifies a little part; for a Pane is a part, and a Panel is a little part, &c. Thus Spelman on the word Panella.*

**Pannage** or **Pawnage,** (*Pannagium, Fr. Panage & Pasnage.*) Signifies alimentum, quod in Sylvis colligunt pecora, ab arboribus dilapsum, as Mast of Beech, Acorns, &c. Also the Money taken by the Agistors for the Food of Hogs, with the Mast of the Kings Forest. *Crompt. Jurisd. fol. 155. Westm. 2. cap. 25. Pawnage (says Manwood) is most properly the Mast of the Woods or Hedg-rows, or the Money due to the owner of the same for it. And Linwood defines it thus, Pannagium est pastus pecorum in nemoribus & in sylvis, utpote de glandibus & aliis fructibus*

*fructibus arborum sylvestrium, quarum fructus aliter non solent colligi.* Tit. de Decimis. Mentioned also Anno 20 Car. 2. cap. 3. *Quisque Villanus habens 10 porcos, dat unum porcum de Pannagio.* Domesday, tit. *Leominstre.* This word in ancient Charters, is thus variously written, *Pannagium, Panagium, Pannagium, Patmagium, Patnagium, Pannagium* and *Pessona.*

**Pape,** (*Papa*, from the old Gr. *Πάππας*, signifying a Father,) Was anciently applied to some Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of Rome, otherwise called the Pope. A name very frequent in our ancient Year-Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand miles off, to take from them the disposition of many Spiritual Preferments, sometimes by *Lapse*, sometimes by *Provision*, or otherwise. For redress whereof divers Statutes were made, whilst this Kingdom was of the Roman Communion; but his whole power was not taken away here, till towards the later end of Henry the Eighth's Reign.

**Paper-Office,** Is an ancient Office within *Whitehall*, the Keeper whereof hath in his charge all the publick Papers, Writings, Matters of State, and Council; all Letters, Intelligences, Negotiations of the Kings publick Ministers abroad; and generally all the Papers and Dispatches that pass through the Offices of the two Principal Secretaries of State, which are from time to time transmitted into this Office, and here remain, disposed in way of a Library. Also an Office belonging to the Court of Kings Bench so called.

**Par Lintheorum,** } *Præcipimus tibi, quod facias habere Thomæ Sturmy Valetto nostro, unam Robam de Scarletto, cum quadam penula de Byssis, & aliam Robam de viridi vel burnetta & unam Sellam & unum par Loianorum, & Capam ad plumam & unum Culcitram & unum par Lintheorum, quoniam ipse fiet miles.* Claus. 6 Johannis. Dorso. M. 20.

**Parage,** (*Paragium*,) Equality of Name, Blood or Dignity; but more especially of Land, in the partition of an Inheritance between Coheirs. *Purparty*, Coke's 1 Inst. fol. 166. b. *Hanc terram tenere duo homines in Paragio.* Domesday. See *Parcinery*.

**Paramount,** (Compounded of two French words, *Par*, i. *per*, and *monter*, *ascendere*,) Signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called *Lord Mesn*, the the second *Paramount.* Fitz. Nat. Br. 135. M. Some hold that no Man can simply be *Lord Paramount*, but only the King; for he is *Patron Paramount* of all the Benefices in England. Doctor & Student, cap. 36. See *Mesn*.

**Paraphernalia,** (in the Civil Law *Paraphernalia*,) Are those Goods which a Wife, besides her Dower or Joynture, is, after her Husbands

death, allowed to have; as furniture for her Chamber, wearing Apparel, and Jewels, if she be of quality: Which are not to be put into her Husbands Inventory, especially in the Province of York. See *Touchstone of Wills*, fol. 201.

**Paravail,** (*quasi, per-avale*,) Signifies the lowest Tenant, or him that is immediate Tenant to the Land; and he is called *Tenant Paravail*, because it is presumed he hath profit and *avail* by the Land. 2 Inst. fol. 296. See 9 Rep. Cony's Case.

**Parcelle terræ,** A parcel or small piece of Land. *Sciatis—quod ego Stephanus Wington Dedi—Roberto de Donampton, pro triginta solidis argenti unam parcelлам terræ meæ cum pertinentiis jacen. in Bromford, &c. Sine Dat.*

**Parcel-maker.** Is an Officer in the Exchequer that makes the parcels of the Escheators accounts, wherein the Escheators charge themselves with every thing they have levied for the Kings use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Escheators account therewith. See *Præctice of the Exchequer*, pag. 99.

**Parteners,** (*quasi Parcellers*, i. *Rem in Parcellass dividens.* See *Coparceners*.)

**Parcinerie,** (*Participatio*, from the Fr. *Partir*, i. *Dividuum facere*,) Signifies a holding of Land *pro indiviso*, or by Joyntenants, otherwise called *Coparceners*: For, if they refuse to divide their common Inheritance, and chuse rather to hold it joyntly, they are said to hold in *Parcinery.* Littl. fol. 56 & 57. In Domesday it is thus said, *Duo fratres tenuerunt in Paragio, quisque habuit aulam suam, & potuerunt ire quo voluerunt.*

**Pardon,** (Fr.) Is most commonly used for the remitting or forgiving a Felonious, or other offence committed against the King, and is twofold; one, *Ex gratia Regis*, the other, *Per cours de ley.* Stamf. Pl. Cor. fol. 47. The first is that, which the King, in some special regard of the person, or other circumstance, gives, by his absolute Prerogative or Power. The other is that which the King granteth, as the Law and Equity perswades, for a light offence; as Homicide casual, when one kills a Man, having no such intent. See *New Book of Entries*, verbo, *Pardon*.

**Park,** (*Parcus*, Fr. *Parc*. Sax. *Deepsfeld*,) Is a quantity of ground enclosed, and stored with wild Beasts, *tam sylvestres, quam campestris*; which a Man may have by prescription, or the Kings Grant. *Crom. Jurisd.* fol. 148. A Park differs from a Chase or a Warren; for, a Park must be enclosed: If it lie open, it is a good cause of seising of it into the Kings hands, as a free Chase may be if it be enclosed; and, the Owner cannot have an Action against such as hunt in his Park, if it lie open. See *Forest.* — *Guliel. Conq. liberam fecit Ecclesiam de Bello de opere Parcorum.* Spel. vide 13 Car. 2. cap. 10.



**Patro fracto.** Is a Writ that lies against him, who violently breaks a Pound, and takes out Beasts thence, which, for some trespass done, were lawfully impounded. *Reg. of Writs*, fol. 166. and *Fitz. Nat. Br.* fol. 100.

**Park-vote.** Is to be quit of enclosing a Park, or any part thereof. 4 *Inst.* fol. 308.

**Parish,** (*Parochia*.) Signifies the precinct, or territory of a Parish-Church, and the particular charge of a secular-Priest: For, every Church is either *Cathedral*, *Conventual*, or *Parochial*. *Cathedral* is, where there is a Bishop seated, so called a *Cathedra*; *Conventual*, consists of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Society of Spiritual Men; *Parochial* is that, which is instituted for the saying of Divine-Service, and Ministering the Holy-Sacraments to the People dwelling within the Parish, or a certain compass of ground, and certain Inhabitants belonging to it. Our Realm was first divided, into *Parishes* by *Honorius* Archbishop of *Canterbury*, in the year of our Lord 636. *Cam. Brit.* pag. 160. who reckons 9284 Parish-Churches under Bishops in England, but other Authors differ in the number. Concerning limitation of Parishes, see *Seldens Hist. of Tythes*, pag. 259. *Parochia* did anciently signifie what we now call the *Diocess* of a Bishop. — *T. Episcopus*, congregatis omnibus Clericis totius Parochiae, &c. 30 *Mon.* fol. 205.

**Parle-hill.** *Collis vallo plerunque munitus in loco campestri, ne insidiis exponatur, ubi convenire olim solebant Centurie aut vicinie incolae ad lites inter se tractandas & terminandas.* *Scoti reor* **Grith-hail.** q. *Mons pacificationis, cui Affili privilegia concedebantur.* Vide *Stat. Will. Regis Scot.* cap. 5. Sect. 1. Et in *Hibernia* frequentes vidimus, the **Parle** and **Parling-hills.** *Spel.*

**Parliament,** (*Parliamentum*, from the *Fr. Parler, loqui*) Is the great Assembly of this Kingdom, consisting of the King and the Three Estates of the Realm, viz. The Lords Spiritual, the Lords Temporal, and the Commons, for the Debating of Matters touching the Commonwealth, and especially the making and correcting Laws; which Assembly or Court is of all other the highest, and of greatest Authority, as you may read in *Sir Tho. Smith de Repub. Angl. & Cam. Britan.* pag. 112. *Si vetustatem spectes, est antiquissima, si dignitatem, est honoratissima, si jurisdictionem, est capacissima.* *Coke on Litt. lib. 2. cap. 10. Sect. 264.* And see his *Fourth Part, Inst. cap. 1.* This great Assembly was anciently called *Commune Concilium Regni Anglie.* As in an antient Charter of King *John* — *Nullum Scutagium vel auxilium ponam in regno nostro, nisi per Commune Consilium regni nostri, &c.* The First Parliament in England, properly so called, was held in *Hen.* the Thirds time. But see *Cottoni Posthuma*, f. 15. and a *Inst.* fol. 268. where there is mention of *Parliaments*, (or rather Great Councils, resembling them) held long before that time; which the Saxons called, *Wictena-emo's*, i. An Assembly of the Wise.

The Abbot of *Croyland* was wont to call a *Parliament* of his Monks to consult about the Affairs of his Monastery. *Croylandensis libri hac sunt verba,* — *Concessimus etiam tunc Serientium nostre Ecclesie Semanno de Lek; qui veniens coram Conventu, in nostro publico Parlamento, similiter juramentum prestitit, quod fidus & fidelis nobis existerit, & Officium, &c.* And at this day the Community of the two Temples, or Inns of Court, do call that Assembly, A *Parliament*, wherein they consult of the common affairs of their several Houses. See *Crom. Jurisd.* fol. 1. and *Royal Assent.*

**Parliament de la Bonde,** a Parliament in *Edward* Second time, so called, whereunto the Barons came Armed, against the Two *Spencers*, with coloured Bands on their Sleeves for distinction. *Bar. of Engl.* 1 Part.

**Parliamentum Diabolicum,** was a Parliament so termed, held at *Coventry*, 38 *Hen.* 6. wherein *Edward* Earl of *March*, (after King) and divers of the Nobility were attainted, but the Acts then made, were annulled by the succeeding Parliament. See *Holinsh. Cron.*

**Parliamentum insanum,** (so called in History) was a Parliament held at *Oxford*, Anno 41 *Hen.* 3. MS. in *Bibl. Cotton. sub tit. Vitellius. C. 9.* And was so called, (say our *Cronicles*), because the Lords came with great retinues of Armed Men to it, and many things were then enacted contrary to the Kings Pleasure, and his Royal Prerogative.

**Parliamentum indoctorum,** was a Parliament held at *Coventry*, 6 *Hen.* 4. Whereunto, by special precept to the Sheriffs, in their several Counties, no Lawyer, or Person skill'd in the Law, was to come; and therefore it was so called: *Walsingh.* pag. 412. n. 30. *Rot. Parl.* 6 *Hen.* 4.

**Parmentarius,** I have seen it used in our Records for a Surname, as *Johannes Parmentarius*, Perhaps, as Latin for Taylor, from the old French, *Parmentier*, which signified the same.

**Parol,** (*Fr.*) Is used in *Kitchin*, fol. 193. for a Plea in Court; and being joyn'd with *Lease* as *Lease parol*, or *Lease per parol*, is, a Lease by word of Mouth, contra-distinguish'd from one in Writing.

**Parson,** (*Persona*) Signifies the Rector of a Church; because he for his time represents the Church, and sustains the person thereof, as well in suing, as being sued in any action touching the same. See *Fleta*, lib. 9. cap. 18. *Charta Hugonis Pufac,* (alias *Pudsey & de Puteaco*) tempore *Hen.* 2. *Hugo dei Gratia Dunelmensis Episcopus omnibus Archidiaconis suis Clericis & laicis Episcopatus sui salutem.* Sciatis nos ad Presentationem *Roberti Capellani* in Ecclesiam de *Wirefield*, que in feudo suo sita est, Canonice impersonasse *Robertum nepotem suum.* Quare volumus & precipimus quatenus idem *Robertus* habeat & teneat Ecclesiam prenominatam libere & quiete, tam in decimis quam in ceteris obventionibus, sicut aliqui Clerici liberius & quietius in Episcopatu nostro Ecclesie

*Ecclesias suas teneant; Salvo in omnibus Episcopali-  
bus consuetudinibus. Testibus, &c. Endorsed  
thus, Presentatio Roberti de Quitefeld.*

**Parson imparioner,** (*Persona impersonata*)  
Is the Rector that is in possession of a Church  
Parochial, be it presentative or impropriate,  
and with whom the Church is full; For, in the  
New Book of Entries, verbo, *Aid in Annuity*,  
you have these words, & prædictus A. dicit quod  
ipse est Persona prædictæ Ecclesiæ de S. imperio-  
nata in eadem ad præsentationem F. Patronisse,  
&c. So that Persona seems to be the Patron,  
or he that has right to give the Benefice, by  
reason, that before the Lateran Council, he had  
right to the Tythes in respect of his liberality in  
erecting or endowing the Church, *Quasi sustine-  
ret personam Ecclesiæ*; And Persona impersonata,  
he to whom the Benefice is given in the Patrons  
right. For, in the Reg. of Writs judicial, fol.  
34. b. Persona impersonata is used for the Rector  
of a Benefice presentative, and not appropri-  
ated; and Dyer, fol. 40. num. 72. says a Dean  
and Chapter, are Parsons impersones, of a Be-  
nifice appropriated to them; who also (fol. 221.  
num. 19.) plainly shews, that persona impersonata  
is he that inducted, and in possession of a Bene-  
fice. So that Persona seems to be termed imper-  
sonata, only in respect of the possession he has  
of the Benefice or Rectory, be it appropriate or  
otherwise, by the act of another, *Coke on Litt.*  
fol. 300. b.

**Parsonage** or Rectory, is a Spiritual Li-  
ving, composed of Land, Tythe, and other  
Oblations of the People, separate or dedicate to  
God in any Congregation, for the service of his  
Church there, and for Maintenance of the Mi-  
nister to whose charge the same is committed.  
*Spelm. de non temerandis Eccles.*

**Parters of Gold and Silver.** See *Finors*.  
**Partes finis nihil habuerunt,** &c. Is an  
Exception taken against a Fine levied. *Cokes*  
*Rep. lib. 3. Case of Fines.*

**Particata terræ.** See *Perticata terra*.

**Partitione facienda,** (*Anno 31 Hen. 8. cap. 1.*)  
Is a Writ that lies for those, who hold Lands or  
Tenements *pro indiviso*, and would sever to  
every one his part, against him or them that  
refuse to joyn in partition, as *Coparceners*, or  
Tenants in Gavelkind. *Old Nat. Br. fol. 142. Fitz.*  
*Nat. Br. fol. 61. and New Book of Entries, verbo*  
*Partition.*

*Dorset.* Placita de Juratis & Affis. Anno  
16 Edw. 1. *Meringham.*

**E**dwardus Kaynel, Maria filia Roberti de Cam-  
ma, Johannes Bereset & Matilda uxor ejus  
& Johanna soror ejusdem Matilda petunt versus  
Johannem Alfrish de Warham unum Toftum cum  
pertin. in Warham, de quo Johannes Gerard, con-  
sanguineus prædictorum Edwardi, Marie, Matilde  
& Johanne, cujus heredes ipsi sunt, fuit seiscitus in  
dominico suo, ut de feodo, die quo obiit, &c. unde  
disunt, &c.

Et Johannes venit & dicit, quod tenementa in  
Warham sunt partibilia inter masculos & femellas,  
& dicit quod prædictus Edwardus habet quasdam  
Gunnoram, Matildam, Christianam, Albredam &  
Eufemiam sorores & participes ipsius Edwardi &  
aliorum petentium, & quæ tantum jus habent in  
re petita sicut, &c. & quæ non nominantur in  
breui, &c. & Edwardus & alii non possunt hoc  
dedicere: Ideo consideratum est quod prædictus Jo-  
hannes eat inde sine die, &c.

**Partie-Jury,** (*Anno 14 Car. 2. cap. 11.*) See  
*Medietas lingue.*

**Partlet,** (*Anno 24 Hen. 8. cap. 13.*) Was a  
kind of Band to wear about the Necks both of  
Men and Women, now out of use.

**Parvise.** See *Pervise*.

**Parvo nocumento,** Is a Writ. See *Nur-  
sance*.

**Paschal Rents,** Are Rents or yearly Tri-  
butes paid by the inferior Clergy to the Bishop  
or Arch-Deacon at their Easter-Visitation; cal-  
led also *Synodals*, which vide.

**Pasnage.** See *Pannage*.

**Passage,** (*Passagium*,) Is a French word sig-  
nifying *transitum*, *meatum*. In the Statutes  
4 Edw. 3. cap. 7. and *Westm. 2. cap. 25.* It  
signifies the hire that a Man pays for being trans-  
ported over-Sea, or over any River. *Charta*,  
*Hen. 1. de libertat. London.* — Et omnes res  
eorum per totam Angliam, & per portus maris de  
Theolonio & Passagio & Lastagio, & omnibus aliis  
consuetudinibus. Per Passagium clamat esse quiet.  
de omnibus passagiis in Com. Cestrie & Flint pro  
omnibus carrettis, cariag. equis, servientibus &  
summagiis suis oneratis. Pl. in Itin. apud Ce-  
stria, 14 Hen. 7.

**Pascua.** See *Pasture*.

**Pascuage,** (*Pascuagium*, Fr. *Pasage*,) Gra-  
sing, Feeding, or Pasturing of Cattel. — Et  
habere viginti porcos quietos de pascuagio, & sua-  
lium ad panem suum & ad cibos coquendos, &c.  
*Carta Ric. de Muntfichet Priorat. de Tremhale*  
in Mon. Angl. 2 par. fol. 23. a. Also the same  
with *Pannage*.

**Passagio,** Is a Writ directed to the Keepers  
of the Ports, to permit a Man to pass over Sea,  
who has the Kings Licence. *Reg. of Writs*, fol.  
193. b.

**Passator,** — Donationem insuper quam Hu-  
go de Bradewardyn, Passator, Filius Stephani  
Pont, per Scriptum suum fecit eisdem fratribus de  
libero passagio apud Bradewardyn. Pat. 1 Ed. 3.  
par. 3. M. 6. He that has the Interest or com-  
mand of the passage of a River: For this Brad-  
wardyn lies upon the River *Wey* in Hereford-  
shire.

**Passer-port,** (compounded of two French  
words, *Passer*, i. *Transire*; & *Port*, *Portus*,)  
Signifies a Licence granted by any person in  
Authority, for the safe passage of any Man,  
from one place to another. *Anno 2 Edw. 6.*  
*cap. 2.*

**Pasture,** (*Pastura*,) — Differunt *Pascua* &  
*Pastura*; nam *Pastura* omne genus pascendi sig-  
nificat.



nificat, five fiat in pratis, five in stipula, five in agris, five in campis; sed *pascua* est locus principaliter deputatus pecoribus pascendis, ut puta in montibus, moris, mariscis & planis non cultis nec aratis. *Lindewode, lib. 3. Provin. Angl. tit. de Decimis, cap. 1. Quoniam.*

**Patentus,** (*Littere Patentis,*) Differ from *Writ*, *Com. Jur. fol. 126.* The Coroner is made by *Writ*, not by *Patent*. See *Letters Patent* in the Table of the Register, where you shall find the form of divers.

**Patentee,** Is he, to whom the King grants his *Letters-Patent*, *Anno 7 Edw. 6. cap. 3.*

**Patria,** *Pro Compagnibus,* or the Inhabitants of a Neighborhood. *Sic in Legum formulis, ubi dicitur inquiratur per Patriam. Et Assisa vel recognitio per Assisam, idem est quod recognitio Patrie.* See *Bona patria.*

**Patron,** (*Patronus,*) Both in the Canon and Common Law, signifies him that has the gift of a Benefice; because the gift of Churches and Benefices originally belonged to such good Men, as either built them, or endowed them with some great part of their revenue. *Patroni in Jure Pontificio dicuntur qui alicujus Ecclesie extruende, aut alterius cujuscunque fundationis Ecclesiasticae Authores fuerunt, ideoque presentandi & offerendi Clericum jus habent, quem Ecclesie vacanti praeesse, & in ea collatis redditibus frui velint, &c.* *Corasius in Paraphr. ad Sacerdot. Materiam. Par. 1. cap. 2. & Par. 4. cap. 6.* The King is Patron *Paramount* of all Ecclesiastical Benefices in England. Patron in the Civil Law is used for him that hath manumitted a servant; and with the Feudists it is used *pro autore feudii.* *Hosterman, verbo, Patronus.*

**Pavage,** (*Pavagium,*) Money paid towards the Paving of Streets or High-ways. *Rex (Ed. 1.) concessit Pavagium Ville de Huntingdon per quinquennium. Pla. Parl. 35 Ed. 1.*

**Pavimentum,** A Pavement, or Paving with Stone. *Item in Pavimento pro Schola in Horsenutlane viii. Sol. Hist. & Ant. Oxon. lib. 2. fol. 11. b.*

**Pauper.** See *In Forma Pauperis.*

**Pawnage.** See *Pannage.*

**Par Dei.** See *Peace of God.*

**Par Ecclesie,** *Dicitur, cum salva sint Ecclesie omnia Privilegia & immunitates, servi, famuli, ministri, &c.* *Vide LL. Edw. Confess. cap. 8.*

**Par Regis,** The Kings Peace. — *Nam longe debet esse Pax Regis a parte sua, ubi residens fuerit a quatuor partibus leci illius, hoc est quatuor miliaria & tres quarentena, & novem acra latitudine, & novem pedes, & novem palme, & novem grana hordei. Multui, &c. LL. Edw. Confess. cap. 12. & LL. Hen. 1. See Peace of the King.*

**Peace,** (*Pax,*) In the general signification is opposite to War or Strife; but particularly with us, it signifies a quiet and inoffensive carriage or behaviour towards the King and His People. *Lamb. Eiren. lib. 1. cap. 2. p. 7.* Where any Man goes in danger of harm from another,

and makes Oath of it before a Justice of Peace, he must be secured by good Bond, which is called *Binding to the Peace.* See *Crompton's Just. of Peace, fol. 118. usque 129.* And see *Frankpledge and Conservator of the Peace.* *Time of Peace,* is when the Courts of Justice are open, and the Judges and Ministers of the same may by Law protect Men from wrong and violence, and distribute Justice to all. *Coke on Littl. fol. 249. b.*

**Peace of God, and the Church,** (*Pax Dei & Ecclesie,*) Was anciently used for that rest and cessation, which the Kings Subjects had from trouble and suite of Law between the Terms. See *Vacation.* *Pax Dei, Tempus dicitur cultui divino adhibitum, eaque appellatione omnes Dies Dominici festa & Vigiliae censentur.* *Spel.*

**Peace of the King,** (*Pax Regis,*) *Anno 6 Rich. 2. stat. 1. cap. 17.* Is that Peace and Security, both for Life and Goods, which the King promiseth to all His Subjects, or others, taken to his Protection. See *Suit of the Kings Peace.* There is also the *Peace of the Church*, for which see *Sanctuary*; and the *Peace of the Kings Highway*, which is the Immunity that the Kings Highway hath from annoyance or molestation. See *Watling-street.* The *Peace of the Plough*, whereby the Plough and Plough-Cattle are secured from Distresses; for which, see *Fitz. Nat. Br. fol. 90.* So Fairs may be said to have their Peace; because no Man may in them be troubled for any Debt, elsewhere contracted.

**Pecherie.** See *Piscary.*

**Pecorel,** (*14 Car. 2. cap. 3.*) Armor for the Breast, a Breast-plate, or Petrel; from the Lat. *Pectus*, a Breast.

**Peculiar,** (*Fr. Peculier, i. private, proper, ones own,*) Is a particular Parish, or Church, that hath jurisdiction within it self, for Probate of Wills, &c. exempt from the Ordinary and Bishops Courts. The Kings Chapel is a *Regal Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation, and immediate Government of the King himself, who is Supreme Ordinary. In the Province of *Canterbury* there are reckon'd to be 57 *Peculiaris.* It is an ancient Privilege of the See of *Canterbury*, that wheresoever any Mannors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiaris*, and of the Diocesis of *Canterbury*, mentioned 22 & 23 Car. 2. Stat. for Maintenance of the Ministers of London.

**Pecunia** was anciently used for Cattle, and sometime for other Goods, as well as Money. — *Interdicimus etiam ut nulla viva Pecunia vendantur aut emanant, nisi infra civitates, & hoc ante tres fideles testes.* *Emendat. Wil. 1. ad Leges Edw. Confess.* — *Qui habuerit 30 denarius vivae Pecuniae.* In *Domesday* *Pecunia* is often used *pro Pecude*, as *Pastura ad Pecuniam Ville*; and *Pecunia Ecclesie* was anciently used for the Estate of the Church. *Tilley's Animadv. on Selden's Tythes.*

**Pecunia sepulcralis**, (L.L. *Canuti* fol. 102.) was Money anciently paid to the Priest, at the opening the Grave, for the good and behoof of the Deceased's Soul; which our Saxons called *Saulcead*, *Soul-scot*; and *Animæ Symbolum*. *Spel. de Concil. T. 1. fol. 517.*

**Pedage**, (*Pedagium* & *Pedaticum*.) Signifies Money given for the passing by Foot or Horse through any Forest or Country. *Pupilla Oculi* parte 9. cap. 7. *Pedagium à pede dictum est, quod a transeuntibus solvitur*, &c. *Cassian. de Conf. Burgun.* pag. 118. *Pedagia dicuntur quæ dantur à transeuntibus in locum constitutum à Principe*, *Spelm.* And we find *Edw. 3.* granted to *Sir Nele Loring*, *Pedagium Sancti Macharii. Rot. Vasc. 22 Edw. 3. M. 34.*

**Peer**, (*Pera*, *Fr. Pierre*, *Saxum*, quod è *saxu fieri solebat*.) Is a Fortrefs made against the force of the Sea, or great Rivers, for the better security of Ships that lie at Harbor in any Haven. So is the *Peer of Dover* described in *Cam. Britan.* pag. 259. *Anno 14 Car. 2. cap. 27.* The *Haven and Peer of Great Yarmouth*, mentioned 22 *Car. 2. cap. 2.*

**Peetage**, The Dignity of the Lords or Peers of the Realm; also, An Imposition for Maintenance of a Sea-Peer.

**Peers**, (*Pares*.) Are those that are empanelled in an Enquest upon any Man, for the convicting or clearing him of any offence, for which he is called in question. And the reason is, because the custom of our Nation is, to try every Man in this case by his Equals or *Peers*. *Westm. 1. cap. 6.* So *Kirehin* useth it fol. 78. in these words, — *Mais si le anerciement soit affirre per pares* —. But this word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. *Stamf. Pl. Cor. lib. 3. cap. Trial per les Peers.* The reason whereof is, because, though there be a distinction of degrees among our Nobility, yet in all publick Actions they are equal, as in their Voices in Parliament, and in passing upon the tryal of any Nobleman.

**Pegen**. See *Forathe*.

**Pein fort & dure**. See *Pain fort & dure*.

**Peisa**, Anciently used for *Pondus*, weight. See *Pesage* and *Weigh*.

**Pele**. See *Pille*.

**Pelre & Pelfre**, (*Pelfra*.) — *Tho. Venables Arm. Clamat* (quod si aliquis tenens sive resident infra Dominium sive Manerium de Kinderton feloniam fecerit, & corpus ejus per ipsum Thomam super factum illud caprum, & convict. fuerit) habere *Pelfram*: *Viz. Omnia bona & castalla hujusmodi seifire*: Et ea que Domino Comiti pertinent ad *Castrum Cestria* presentare, & habere omnia invent. domestica, & de omni genere boum, vaccarum, boviculorum, juvencarum, porcorum, bidentium unum *viz. melius*: Et si de aliquo genere non habuerit nisi unum, clamat habere illud unum, cum aliis minutis animalibus, ut gallis, gallinis, anas & hujusmodi, & omnes pannos talliatis & astaniatos, & omnes carnes astaniatas & totum brasium infra unum quarterium, & omnia blada inventa infra

unum quarterium; & de quolibet tasso bladi clamat habere *Grountal* integrum cujuscumque tassi, & totum plumbum extra fornacem, & omnia vasa lignea, omnes mappas, manutergia, & omnia ad lectum pertin. linea & lanca, & omnes carretas ferro non ligatas, & omnes carrucas cum tota apparura, &c. *Plac. in Itin. apud Cestriam 14 H. 7.* In time of War the Earl-Marshall is to have of all Preys and Booties all the Gelded Beasts, except Sheep, Hogs and Goats, which is called *Pelfre*. *MS. S. Knyveton.*

**Pellota**, (*Fr. Pelote*.) The Ball of the Foot. *Talis autem expeditatio (viz. canum) fiat per assiam communiter usatam, viz. quod tres ortelli abscindantur, sive pellota de pede anteriori.* *Char. de Foresta, cap. 7.* See *Cokes Instit. 4 part. fol. 308.*

**Peltwool**, Is the Wool pulled off the Skin or Pelt of a dead Sheep. *Anno 8. Hen. 6. cap. 22.*

**Pellage**, (*Rot. Parl. 11 H. 4.*) The Custom or Duty paid for Skins, Pelts or Leather.

**Pelliparius**, (*Pat. 15 Edw. 3. p. 2. m. 45.*) A Leather-Seller or Skinner.

**Penerarius**, A Penon or Ensign-bearer. *Hic jacet Joannes Parient Armiger pro Corpore Regis Richardi Secundi & Penerarius ejusdem Regis.* Epitaph. apud *Digs-wel* in *Com. Hartford.*

**Penigeldum**, *Denarii alicujus ex quavis consuetudine pro facultate aliqua, vel privilegio habendo, puta in foresta aut alibi.* *Spel.*

**Penistone**, A certain course Woollen Cloth, mentioned *Anno 43 Eliz. cap. 10.*

**Penue**. See *Bay*.

**Penon**, (*Fr. Pennon*.) A Standard, Banner, or Ensign carried in War. *Anno 11 Rich. 2. cap. 1.*

**Pension**, (*Pensio*.) That which in the Two Temples is called a Parliament, in *Lincolns-Inn*, a Council; in *Grays-Inn*, is called a Pension; that is, an Assembly of the Members of the Society, to consult of the Affairs of the House. And *Pensions* are, in the *Inns of Court*, certain annual Payments of each Member to the House. See *Indemnities*.

**Pension-Writ**. When a *Pension-Writ* is once issued, none, sued thereby in an *Inns of Court*, shall be discharged or permitted to come in *Commons*, till all Duties be paid. *Order in Greys-Inn.* Whereby it seems to be a Writ issued out against those of the Society, who are in arrear for *Pensions*, and other Duties.

**Pentecostals**, (*Pentecostalia*.) Were certain pious Oblations made at the Feast of *Pentecost*, by Parishioners to their Parish Priest, and sometimes by Inferior Churches or Parishes, to the Principal Mother-Church. Which Oblations were also called *Whisbon-Farthings*, and were divided into four parts; one to the Parish Priest, a second to the Poor, a third for repair of the Church, and the fourth to the Bishop. *Stephens of Procurations and Pentecostals.*

**Penr**,



**Peny**, (Sax. *Penis*.) Was our ancient current Silver. 2 *Inst.* fol. 575. — *Et quod sint quieti de omnibus misericordiis, & Warda, & Wardpeny, & Berpeny, & Hundred-peny, & Tithing-peny, & Borthal-peny, & de omnibus operibus Castellorum, Pontium, &c.* Char. Hen. 7. Ab. & Convent. Eccles. S. Petri Westm. Anno 19 Regni.

**Per, cui & Post.** See *Entry*.

**Perambulation of the Forest.** Is the Surveying or walking about the Forest, or the utmost limits of it, by certain Justices or other Officers thereto assigned, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. *Anno 17 Car. 1. cap. 16.* And 20 *Car. 2. cap. 3.* See 4 *Inst.* fol. 30. And see *Purview*.

**Perambulatione facienda.** Is a Writ, that is sued out by two, or more Lords of Mannors, lying near one another, and consenting to have their bounds severally known; and is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain limits. See *Fitz. Nat. Br.* fol. 133. And the *New Book of Entries, verbo, Perambulatione facienda*.

**Peravail.** See *Paravail*.

**Perch**, (*Pertica*.) Is used with us for a Rod or Pole of Sixteen Foot and a half in length, whereof Forty in length, and Four in breadth, make an Acre of Ground. *Crompt. Juris.* fol. 222. But several Counties differ herein, as in *Staffordshire* Twenty four Foot; in the Forest of *Sherwood* Twenty one Foot go to the *Perch*, the Foot there being 18 Inches long, the measure of which Foot was marked on the Chancel-Wall of *Edenstow*, and in the Church of *St. Mary* in *Nottingham*. In *Herefordshire* a *Perch* of Walling is Sixteen Foot and a half; a *Perch* of Ditching Twenty one Foot. A Pole of Betted or Denstheired Ground is Twelve Foot; of Wood, Twenty one Foot. See *Skene, verbo, Perticata terra.* In *Honore de Montgomeri terre assignande per Perticam Regis* 24 *Pedum.* *Clauſ.* 11 *Hen. 3. m. 6.* In *Foresta de Cank, Pertica* 25 *Pedum.* *Int. Plac. Hill.* 10 *Edw. 2. Staff.* 36. — *Per Perticam* 20 *Pedum* in *Foresta nostra de Clarendon.* *Mon. Angl.* 2 *Par.* fol. 273. b. *Perticata de 24 pedibus in Mineris de Derbyshire.* *Etc.* 16 *Edw. 1. N. 34.* *Per Perticam xxi pedum in Wyndesore.* *Antiq. MS. in Thesauro Regis de vastis arentatis* 32 *Edw. 1. fol. 3.* See *Pes Foresta*.

**Pardonatio utlagariæ.** Is a pardon for him, who, for contempts in not coming to the Kings Court, upon His Command and Process, is outlawed, and afterwards of his own accord yields himself to Prison. *Reg. of Writs*, fol. 28. *LL. Edw. Conf.* cap. 18. & 19.

**Pere & Pite.** *Si quis autem contra primarium pugnaverit, in placito emendet secundum pretium sui ipsius, quod Angli Pere & Pite dicunt, & solvat primario 40 sol.* *Constitut. Canuti de Foresta*, cap. 17. *Rectius autem Were & Wite, Saxonice sepe & pite.* See *Were*.

**Peremptory**, (*Peremptorius*.) Joyned with a Substantive, as Action or Exception, signifies a Final and Determinate Act, without hope of renewing or altering. So *Fitzherbert* calls a *Peremptory Action.* *Nat. Br.* fol. 35. & 38. And *Nonſute Peremptory*, fol. 5. A *Peremptory Exception.* *Bracton*, lib. 4. cap. 20. *Smith de Repub. Angl.* calls that a *Peremptory Exception*, which maketh the State and Issue in a Cause.

**Periude valere.** Is a Dispensation granted to a Clerk, who being defective in his capacity to a Benefice, or other Ecclesiastical Function, is *De facto*, admitted to it. And it takes appellation from the words, which make the faculty as effectual to the party dispensed with, as if he had been actually capable of the thing, for which he is dispensed with, at the time of his admission. *Anno 25 Hen. 8. cap. 21.* it is called a *Writ*.

**Perjury**, (*Perjurium*.) *Est mendacium cum juramento firmatum;* Is a crime committed, when a lawful Oath is ministred, by any that hath authority, to any person in any Judicial proceeding, who swears absolutely and falsely in a matter material to the Issue or Cause in question, by their own act, or by the subornation of others. And if a Man call me *Perjur'd Man*, I may have my Action upon the Case; because it must be intended contrary to my Oath, in a Judicial proceeding; but for calling me a *Forſworn Man*, no Action lies, because the forswearing may be *Extra-judicial.* *Cokes Inst.* 3 *Part.* fol. 163. 23 *Hen. 8. cap. 3.* Excepted out of the Act of *General Pardon*, 12 *Car. 2. cap. 11.* How punished in *Wales.* *Anno 26 Hen. 8. cap. 4.* And 5 *Eliz. cap. 9.*

**Per my & per tout.** A Joynt-tenant is said to be seised of the Land he holds joyntly *Per my & per tout. i.* He is seised by every parcel, and by the whole. *Li. tl. sect.* 288. *Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatim.* *Bract.* lib. 5. 430.

**Permutatione Archidocanatus & Ecclesiæ eidem annexæ cum Ecclesia & Prebenda.** Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another. *Reg. of Writs*, fol. 307.

**Perno of Profits**, (From the Fr. *Preneur*, a Taker or Receiver,) Is he that takes or receives the Profits. *Anno 1 Hen. 7. cap. 1.* *Preneur de profits, & cesti que use*, is all one. *Coke*, lib. 1. *Casu Chudley*, fol. 123. See the Statute 21 *Rich. 2. cap. 15.* And *Coke on Littl.* fol. 589. b.

**Pernancy**, (from the Fr. *Prendre*, to take,) A taking or receiving. *Tythes in Pernancy, i.* Tythes taken, or that be taken, in kind.

**Per quæ servitia.** Is a Writ Judicial, issuing from the Note of a *Fine*, and lies for the Cognizee of a Mannor, Seignory, Chief Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the *Fine* levied, to attorn to him. *West, part 2. Symbol. tit. Fines, sect.* 126. See the *New Book of Entries*.

**Perquisite.**

**Perquisite, (Perquisitum.)** Signifies any thing gained by ones own Industry, or purchased with ones own Money; contradistinguished from that which descends to one, from Father, or other Ancestor; as *Perquisitum facere*, in *Bracton*, lib. 2. cap. 30. num. 3.

**Perquisites of Court.** Are those Profits that arise to the Lord of a Mannor, by virtue of his Court-Baron, over and above the certain and yearly profits of his Land, as *Fines of Copyholdts, Harlots, Amerciaments, Waiffs, Estrays, &c.* *Perkins*, fol. 20. & 21.

**Persona petionata, Rer. Quo War. 3 Ed. 3.** See *Parson Imparfonae*.

**Personable, (Personalitas.)** Signifies as much as inabled to hold or maintain Plea in a Court: As, the Demandant was judged *Personably* to maintain this Action, *Old Nat. Br. fol. 142.* And in *Kitchin*, fol. 214. The Tenant pleaded, that the Wife was an alien born in Portugal, without the ligeance of the King, and Judgment was asked, Whether she should be answered. The Plaintiff saith, She was made *Personable* by Parliament, that is, as the *Civilians* would speak it, *Habere personam standi in judicio.* *Personable* is also as much as to be of capacity to take any thing granted or given, *Plowden, Casu, Colthirff*, fol. 27. b.

**Personal, (Personalis.)** Being joynd with Things, Goods, or Chattels, as *Things personal, Goods personal, Chattels personal*, signifies any moveable thing belonging to any Man, be it quick or dead. So it is used in *West*, par. 2. *Symbol. iii.* *Indictments, sect. 58.* in these words, *Theft is an unlawful Felonious taking away another Man's moveable personal Goods.* And *Stamf. Pl. Cor. fol. 25.* *Contreditio rei alienae*, is to be understood of things *personal*, for in things real it is not Felony, as the cutting a Tree is not Felony. See *Chattels*.

**Personal Tithes.** Are Tithes paid of such Profits as come by the Labor and Industry of a Man's person; as by buying and selling, gains of Merchandise and Handicrafts-men, &c. See *Tithes*.

**Personalty, (Personalitas.)** Is an abstract of *Personal.* The Action is in the *Personalty*, (*Old Nat. Br. fol. 92.*) That is, brought against the right person, or the person against whom in Law it lieth.

**Persons ne Prebendaries ne seront charges as Quinsimes, &c.** Is a Writ that lies for Prebendaries, or other Spiritual Persons, being distrained by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes, *Fitz. Nat. Br. fol. 176.*

**Perticata terra.** Is the fourth part of an Acre; *Continet in integra superficie 40 Perticas.* See *Perch*.

**Perticulas.** The King granted to Luke Macginn of Insula de Man Scholari, quandam Eleemosinam vocatam *Perticulas*, ad sustentationem cuiusdam pauperis Scholarii de Insula predicta ad exercend. Scholam, per Progenitores nostros, quondam

*Reges Anglie datam & concessam, Pat. 5 Hen. 4. m. 16.*

**Pertinens.** Was anciently used *Pro cognato vel consanguineo.* — *Si quis cum pertinente sua jaceat, emendet hoc secundum cognationis modum; sit vera, sit falsa, sit omni pecunia.* *LL. Canuti, MS. cap. 48.*

**Pervise, or Parvise, (Pervisus, Parvisia,)** non a *parvis* adject. sed a *Gal. le parvis*, — *Sed tunc placitantes* (i. Post meridiem) se devertunt ad *Pervisum*, & alibi consulentes cum *Servientibus* ad legem & alibi *Consiliariis* suis. *Fortescu de laudibus LL. Angl. cap. 51. pag. 124.* of which thus *Chaucer, Prolog. 9.*

**A Sergeant at Law, ware and wiser,**  
That often had been at the *Parvise*.

*Nam ibi Legi petiti convenire, ut Clientibus occurrerent, non ad hyrcinia furi, quos Motas vocant; exercenda, lays Spelman.* Selden (in his *Notes on Fortescu, pag. 56.*) says, It signifies an Afternoons Exercise, or Moor for the instruction of young Students, bearing the same Name originally with the *Parvisie* in Oxford. Mr. Somner says *Pervise* signifies *Palatii atrium vel area ille, a fronte Aula Westm. hodie the Palace-yard, vulgo nuncupata.* See his *Gloss. in x Scriptores, verbo, Triforium.* And see *Woods Hist. of Oxford, 2 par. fol. 6. b.*

**Pes forstæ.** *Notandum est quod Pes Forestæ usitatus tempore Ric. Oyllel in arrentatione vestrorum, factus est, signatus & sculptus in pariete Cancellæ Ecclesiæ de Edwynstone & in Ecclesia B. Mariæ de Nottingham; Et dictus Pes continet in longitudine octodecim Pollices. Et in arrentatione quorundam vestrorum, Pertica 20, 21 & 24 pedum usa fuit, &c.* *Ex Regist. Abb. de novo loco in Com. Nott.*

**Pesage, (Pesagium.)** Custom paid for weighing Wares or Merchandise. *MS. temp. E. 3.* For *Pesage* we find used for *Pondus*; hence to *Pesise* or *Poise*, *Ponderare.* *Galsfridus* (*Plantagenet*) *Regis Henrici Filii, Dux Britannia & Comes Richmundia, dedit — Tronagium & Pesagium de Nundinis men Sancti Botulphi, & quicquid ad Tronagium & Pesagium pertinet, &c.* *Selden's Tit. Hon.*

**Pesarius.** A Weigher. *De quolibet sacco lanae, per licentiam Istie. infra muros dictæ Civitatis (sc. Wintonia) vendito, pro Pesario Episcopi quatuor Denar. & pro sedo Pesarii unum Denar. — Pat. 2 Ed. 4. pars 6. m. 6.*

**Pesentum anguillarum.** — *ipsum Pesentum Anguillarum xl valet grossas Anguilla.* *Mon. Angl. 1 par. fol. 363. b.*

**Pessona, Maist, Md.** *quod anno regni Regis Hen. filii Regis Joh. 37. Dominus de Frechevil & homines sui in bosco de Derley, apud Cruche, Pessonam, scil. glandes & nuces, virgis & cortis excussisset; & querela inde deducta in Comitatu, &c. Anno gratia, MCCLXIII. Mon. Angl. 2 Par. fol. 231. b.* So *tempus Pessona*, and *tempus Pessoni* often occurs, for *Maist-time*, or the season when *Maist* is ripe; which, in Norfolk, they

H h h

call



call *Shacking-time*. — *Quod habeat decem porcos in tempore de Pesson in basco meo, &c. fol. 113. 10.*

**Destarable wares**, Seem to be such Wares or Merchandise as *pester*, and take up much room in a Ship, *Anno 32 Hen. 8. cap. 14.*

**Petarius**, a weigher. — *De quolibet sacco lane, per licentiam Justic. infra muros dicte Civitatis (sc. Wintonie) vendito, pro Petario Episcopi quatuor Denar. & pro fardo Petarii unum Denar.* — *Par. 2 Ed. 4. pars 6. m. 6.*

**Peter-Corne**, — *Rex Athelstanus concessit Deo & beato Petro Ebor. & Colidei predicti de quolibet Caruca arante in Episcopatu Eboraci unam Travam bladi, Anno Domini 936; que usque in presentem diem dicitur Peter-Corne.* *Ex Reg. S. Leonardi Ebor. in Bibl. Cottonianâ. fo. 3. a.*

**Peter-pence**, (*Denarii Sancti Petri*;) otherwise called in the Saxon *Romefeoh*, i. The Fee of Rome, also *Rome-scot*, and *Rome-pennyng*;) was a Pension, or charitable Alms given by Ina King of the West-Saxons, being in Pilgrimage at Rome in the Year 725. and the like given by Offa, King of the Mercians, through his Dominions, in *Anno 794.* not as a Tribute to the Pope, but in Sustainment of the English School or College there; and it was called *Peter-Pence*, because given on the Day of *St. Peter ad Vincula*, which was a Peny for every House, *Spelm. de Concil. Tom. 1. fol. 312.* And in *St. Edward's Laws*, num. 10. thus, — *Ommes qui habent 30 denariatus vice pecunie in domo sua, de suo proprio, Anglorum lege dabit Denarium Sancti Petri, & lege Danorum, dimidiam markam: Iste vero denarius debet summoniri in solemnitate Apostolorum Petri & Pauli, & colligi ad festivitatem, que dicitur ad Vincula, ita ut ultra illum diem non detineatur, &c.* *King Edgar's Laws, fol. 78. cap. 4.* contain also a sharp constitution touching this matter. See *Rome-scot*.

**St. Peter ad Vincula**, (*Anno 4 Edw. 4. cap. 1. & 17 Edw. 4. cap. 5.*) See *Gule of August*.

**Petit cape**. See *Cape*.

**Petit larceny**, (*Parvum latrocinium.*) See *Larceny*.

**Petit-treason**, (*Fr. Petit trahison, i. Proditio minor.*) Is Treason of a lesser or lower kind; For, whereas High-Treason is an Offence committed against the Person of the King, and the Security of the King and Commonwealth: *Petit-Treason* is, where a Servant kills his Master, a Wife her Husband, a Secular, or Religious Man his Prelate, *Anno 25 Edw. 3. cap. 2.* whereof see *Crompton's Just. of P. f. 2.* And, for the punishment of it, the *Stat. 22 H. 8. cap. 14.*

**Petit Sericanty**. See *Sericanty*.

**Petition**, (*Petitisio*;) Signifies in general a Supplication made by an Inferiour to a Superior, and especially to one having Jurisdiction, *Anno 13 Car. 2. cap. 5.*

**Petra lauz**, A Stone of Wool. See *Stone*.

**Petip-fogger**, (from the *Fr. Petire*, Small; and *Sax. Fossefe*, A Wooer, Suiter, or Sollici-

tor,) A silly Advocate, a petty Attorney, or Lawyer; or rather a Trouble-Town, having neither Law nor Conscience.

**Pharos**, A Watch-Tower. — *No Man can build or erect Light-houses, Pharos, Sea-marks, or Beacons, without lawful Warrant and Authority.* *3 Inst. fol. 204.*

**Piquiter**. See *Filazer*.

**Picards**, A kind of great Boats of Fifteen Tun or upwards, on the River *Severne*, mentioned *34 & 35 Hen. 8. cap. 9.* Also a Fishers Boat, *Anno 13 Eliz. cap. 11.*

**Picage**, (*Picagium*, from the *Fr. Piquer*, i. *Effringere, effodere.*) Money paid in Fairs to the Lord of the Soil, for leave to break the Ground to set up Booths, Stalls or Standings.

**Picage**, i. *Aliquis veniens ad forum nostrum de Rudham cum rebus suis, & frangendo vel picando aliquam placeam in dicto foro, Prior habebit inde redemptionem.* *Ex registro Priorat. de Cokesford.*

**Pickards**, — *No Person shall use any Iron Cards, or Pickards, in rowing any Woollen Cloth, upon pain to forfeit the same, and xx s. for every offence.* *Anno 3 & 4 Edw. 6. cap. 2.*

**Picle**, alias **Pightel**, (*Picellum & Pightellum*;) A small parcel of Land enclosed with a Hedge, a little Close; perhaps from the Italian *Picciola*, i. *Minutus*; which the common people in some parts of England do usually call a *Pingle*.

**Piepowder-Court**, (*Curia pedis pulverizati*;) from the *Fr. Pied*, i. *Pes*, & *Pouldreux*, i. *Pulverulentus*;) Is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for redress of all Disorders committed in them. So called, because they are most usual in Summer, and Suiters to this Court are commonly Country Clowns with dusty Feet; or, from the expedition intended in the hearing of Causes proper thereunto, before the Dust goes off the Plaintiffs and Defendants Feet. Of this Court read the *Statute 17 Edw. 4. cap. 2. 4 Inst. fol. 272.* and *Crompt. Jur. fol. 221.* This among our old Saxons was called *Ceapung-ſemo2*, i. A Court for Merchandise, or handling Matters of buying and selling. See *Justices of the Pavilion*.

**Pies**, (*Anno 3 & 4 Edw. 6. cap. 10.*) are reckoned among the Books prohibited by that Statute, but I could never learn what they were.

**Pig of Lead**. See *Father*.

**Pike or Pick**. See *Polein*.

**Pilettus**, — *Et quod Forestarii sui non portabunt sagittas barbata sed Pilettos.* *Carta Rogeri de Quincy, 31 Hen. 3.* Such Arrows as had a round Knob a little above the Head, to hinder them from going far into the Mark; from the *Lat. Pila*, which signifies any round thing like a Ball.

**Pille of Fodday**, or **Fouldrey**. In the County of *Lancaster*, *Anno 2 Hen. 6. cap. 5.* seems to be a Defence built on a Creek of the Sea, and called *Pille*, by the Idiom of the Country, for a *Pile* or *Forr*, built for the safeguard or

or protection of any place. This *Pile* was erected there by the Abbat of *Fornesse*, in the first Year of *Edw. 3. Cam. Brit. Rex* — *Dedimus Henrico Comiti Northumb. Insulam, Castrum, Peltam & Dominium de Man, &c.* Rot. Pat. 1 Hen. 4. m. 36.

**Pilloz,** (*Collistrigium, q. Collum stringens; Pilloria, from the Fr. Pilleur, i. Depeculator.*) Is an Engin made of Wood to punish Offenders, well known. By the Statute of 51 Hen. 3. you may see who were then subject to this punishment. In the Laws of *Canutus, cap. 42.* it is called *Balsfange*, Sir Henry Spelman says, 'tis *Supplicii Machina ad ludibrium, magis quam pœnam.* — Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenuerunt, viz. Quod si Pistor in male agendo puniatur per tres vices, & si post terciam monicionem culpabilis inveniatur, Balivi Capitales, si ipsum poterint invenire, ipsum capiant & pro toto puniant, & habebit vile & odibile Judicium de Collistrigio, i. the Pilloz. MS. Codex de LL. & Consuetud. Burgi-villæ Montgom. à temp. Hen. 2. fol. 12. b. See *Halfange*.

**Pioneer,** (*Fr. Pionniers, i. Fossores.*) Such Labourers as are taken up for the Kings Army, to cast up Trenches, or undermine Forts. Anno 2 & 3 Edw. 6. cap. 20.

**Pipe,** (*Pipa*) Is a Roll in the Exchequer, otherwise called the great Roll, Anno 37 Edw. 3. cap. 4. See *Clerk of the Pipe*. It is also a Measure of Wine or Oyl, containing half a Tun, that is, six score and six Gallons, Anno 1 Ric. 3. cap. 3.

**Pirate,** (*Pirata*,) Is now generally taken for one who supports himself by Pillage and Depredation at Sea, a Sea-rover. But, in former times, the word was sometimes attributed to such person, to whose care the Mole or Peer of any Haven, (in Latin *Pera*), was intrusted; and sometimes also taken *pro milite maritimo*, according to the learned Spelman, mentioned 13 Car. 2. cap. 6. and the punishment of them, Anno 28 Hen. 8. cap. 15.

**Piscary,** (*Piscaria, from the Fr. Pêcherie, i. Piscatio.*) Is a liberty of fishing in another Man's Waters: In Law-French, *Pecherie*. V. Ryly's *Plac. Parl.* 646.

Universis presentes literas inspecturis Edmundus filius inclite recordationis Henrici Regis Anglie salutem. Sciatis nos dedisse & concessisse Henrico Howeyn de Huttokefhathe totam Piscariam nostram in stagno nostro supra molendinum suum de Huttokefhathe. Habendum, &c. In cujus rei, &c. Dat. apud Tuttebir. per manum Hugonis de Gien Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi. Penes Walterum Kirkham-Blount Bar.

**Piscenarius,** Is, in our Records, used for a Fishmonger, Pat. 1 Edw. 3. pars 3. m. 13. See *Pulterius*.

**Pit & Gallows.** See *Furca & Fossa*.

**Pitance,** (*Pitanica*,) A small repast, or a lit-

tle refection of Fish or Flesh, more than the common allowance. *Joannes Dei gratia, &c. Noverint, &c. nos assensum nostrum prœbuisse, &c. de manerio de Mildenhall, quod manerium Sancto Edmundo, sicut jus suum concessimus, &c. ita quod quis pro tempore sacrista fuerit, 12 s. de redditu Altaris annuatim persolvat Hospitali S. Salvatoris quod est extra muros Sancti Edmundi, &c. in usus pauperum, &c. & 40 s. ad refectionem monachorum, qui illis diebus Officia divina pro defunctis celebrabunt, quæ refectio Pitancia vocatur.* Rot. Cart. de Anno 1 Regis Joh. pa. 2. Num. 115.

**Pitching-pence,** Is that Money, commonly a Penny, which is paid for pitching, or setting down every bag of Corn, or pack of any other Merchandise in Fairs or Markets.

**Placard,** (*Fr. Plaquart. Placiti seu decreti Charta*) Anno 2 & 3 Ph. & Ma. cap. 7.) Is a Licence whereby a Man is permitted to shoot in a Gun, or to use unlawful Games: In French it signifies a Table, wherein Laws, Orders, &c. are written and hung up. And *Placcaert* in the Low-Dutch is an Edict or Proclamation.

**Placeta,** I have seen in several Deeds of Edward the Third's Days, Grants of *Placeta Messuagii, Placeta prati, & Placeta pasture*; and seems to signify a Piece or Parcel, if of Lands; and a Place, if a House or Messuage.

**Placitare,** i. *Litigare & Causas agere*, To plead. *Mos placitandi ante Conquestum fuit coram Aldermanno & Proceribus, & coram Hundredariis, sc. Baronibus, Majoribus, Melioribus, Senioribus & Urbanis.* MS. in Bibl. Cotton. sub. tit. Vitellius, c. 9.

**Placitator,** a Pleader. *Ralph Flambar* is recorded to be *totius regni Placitator*, in *Wil. 2.* time.

**Plaint,** (*Fr. Plainte, Lat. Querela.*) Is the propounding or exhibiting any Action real or personal, in Writing: So it is used in *Brooke, tit. Plaint in Assise*. And the party making this *Plaint* is called *Plaintiff*, *Kitchin, fol. 231.*

**Planchia,** A Plank of Wood. — *Concessi præterea materiem in bosco meo de Froma ad prædium molendinum reparandum, extra plancias.* Carta Stephani Devereux Mil. i. All Materials of Wood, except Planks.

**Plate,** A Hoy, or Water-Vessel so called. Anno 13 Eliz. cap. 15.

**Plaustrata feni,** A Cart-load of Hay. — *Concessi unam Plaustratam feni apud Malmesburi.* Reg. Priorat. de Wormeley, fol. 64.

**Plea,** (*From the Sax. Pleo, or Pleoh, i. Juris actio.*) Signifies that which either party alleges for himself in Court, which from the Conquest was done in French, till Edward the Third ordained them to be pleaded in English, but to be entred and recorded in Latin, Anno 36. cap. 15. They are divided into *Pleas of the Crown*, and *Common-Pleas*; *Pleas of the Crown*, are all Sutes in the King's Name against Offences committed against his Crown and Dignity. *Stamf. Pl. Cor. cap. 1.* or against His Crown and Peace. *Smith de Repub. Ang. lib. 2. cap. 9.* And those seem to be Treasons, Felonies, Mis-

prisions,



prisons of either, and Mayhem, *Cokes 4. Pars. Inst. cap. 10.* — *Edward the First* enfeoffed *Water de Burgo* in the Land of *Ulster* in Ireland, &c. excepting the *Pleas of the Crown*, to wit, *Rape*, *Forestal*, *wilful Firing*, and *Treasure trove*. *Cam. tit. Ireland. Common-Pleas* are those that are agitated between common persons; yet, by the former Definitions those must comprize all other, though the King be a party. *Plea* may farther be divided into as many branches as Action, for they signifie all one. Then is there a *Foreign Plea*, whereby matter is alledged in any Court that ought to be tryed in another. As if one lay *Bastardy* to another in a Court Baron, *Kitchin, fol. 75.* By the Law of *Scotland*, four Crimes are called the four Points or *Pleas of the Crown*; *Wilful Firing*, *Ravishing of Women*, *Murder and Robbery*, or *Riese*. *Skene.*

*Pleas of the Sword*, (*Placita ad gladium*.) *Ranulph the Third, Earl of Chester*, (2 Hen. 3.) granted to his Barons of *Cheshire* an ample Charter of Liberties, *Exceptis placitis ad gladium meum pertinentibus*, &c. *Rot. Pat. in archivis regis infra Castellum Cestrie, 3 Edw. 4. m. 9.* The reason was, because King *William the First* gave the Earldom of *Cheshire* to his half Brother *Hugh*, commonly called *Lupus*, Ancestor to this Earl *Ranulph*, *tenere ita libere ad gladium, sicut ipse Rex tenuit Angliam ad Coronam.* And consonant thereunto, in all Indictments for *Felony*, *Murder*, &c. in that County-Palatine, the Form was anciently, — *Contra pacem Domini Committis, Gladium & dignitatem suam*; or *Contra dignitatem Gladii Cestrie*. These were the *Pleas of the Dignity of the Earl of Chester*. *Sir P. Leicester's Hist. Antiq. fol. 164.*

*Pledge*, (*Plegius*.) *Fr. Pleige, i. Fidejussor.*) A Surety or *Gage*; and *Plegiatio* was used for the act of Suretiship. *Pleiger aucum, i. Fide juberere pro aliquo. Glanville, lib. 10. cap. 5. Plegii dicuntur persona qui se obligant ad hoc, ad quod quis eos mittit tenebatur. Grand Cust. Norm. cap. 60.* This word *Plegius* is sometimes used also for *Frank-pledge*, as in the end of *William the Conqueror's Laws. Omnis homo qui voluerit se teneri pro libero, sit in Plegio, ut plegius enim habeat ad justiciam, si quid offenderit, &c.* And these are called *Capital Pledges*. *Kitchin, fol. 10. See Frank-pledge, and 4 Inst. fol. 180.*

*Pledgery* or *Pleggerie*, (*Fr. Pleigerie, Lat. Plegiagium*.) Suretiship, an undertaking or answering for. Also the Appellant shall require the Constable and Mareschal to deliver his *Pleggs*, and to discharge them of their *Pleggerie*; and the Constable and Mareschal shall ask leave of the King to acquit his *Pleggs*, after that, the Appellant is come into the Lists to do his Devoir. *Orig. Jur. ex vetusto Codice MS. in Bibl. Seldeniana. Quod si contingat diolos fidejussores meos aliquod dampnum incurrere, occasione Plegiagii mei.* — *Carta R. Hartesley sine dat.*

*Plegis acquietandis*, Is a Writ that lies for a Surety against him for whom he is Surety,

if he pay not the Money at the day, *Fitz. Nat. Br. fol. 137. Reg. of Writs, 158.*

*Plena forisfactura*, And *Plena mira*. See *Forfeiture*.

*Plenary*, Is an abstract of the adjective *plenus*, and is used in matters of *Benefices*; wherein *Plenary* and *Vacation* are directly contrary. *Stamf. Prerog. cap. 8. fol. 32. Westm. 2. cap. 5.* Institution is a good *plenary* against a common person, but not against the King, without Induction. *Coke on Litt. fol. 344.*

*Plevin*, (*Plevina*, From the *Fr. Plevaine, i. A warrant, or assurance.*) See *Replevin*.

*Plight*, Is an old English word, signifying sometimes the estate, with the habit and quality of the Land, and extends to Rent-charge, and to a possibility of a Dower. 1 *Inst. fol. 221. b.*

*Plite of Law*, (*Anno 3 Edw. 4. cap. 5.*) Seems to be a Measure then in use, as *Yard* or *Ell* now.

*Plonkets*, (*Anno 1 Rich. 3. cap. 8.*) A kind of coarse Woollen Cloth, otherwise called *Ver-vise*.

*Plowalme*, (*Eleemosina aratralis*.) Which was anciently 1 *d.* paid to the Church for every *Plow-land*. — *De qualibet Caruca iuxta inter Pascha & Pentecostem unum denarium, qui dicitur Plowalme*, 1 *Par. Mon. Ang. fol. 256.*

*Plow-land*, (*Carucata terra*.) The same with a *Hide of Land*, which vide.

*Plurality*, (*Pluralitas*.) *Anno 21 Hen. 8. cap. 13.* Moreneis, or the having more than one; most applied to such Churchmen, who have more *Benefices* than one. *Selden* in his *Titles of Honor, fol. 687.* mentions also *Triality* and *Quadrality*.

*Pluries*, Is a Writ that issues in the third place, after two former Writs neglected or disobey'd. For, first goes out the *Original Writ*, which, if it speed not, then the *sicut alias*; and, if that fail, then the *Pluries*. See *Old Nat. Br. fol. 33.* in the Writ *de Excom. capiendis*. See in what diversity of cases it is used in the Table of the *Reg. of Writs*.

*Pocket of Wool*, Is half a Sack. 3 *Inst. fol. 96.* See *Pack of Wool*.

*Pole*. See *Perch*.

*Poledavies*, A kind of Canvas, wherewith *Sail-ware* is made, *Anno 1 Jac. cap. 24.*

*Polein*, (*Anno 4 Edw. 4. cap. 7.*) Was a sharp or picked top set in the fore-part of the Shoe or Boot. This fashion was first taken up in the time of King *William Rufus*, the *Picks* being made so long, as they were tied up to the knees with Silver or Golden Chains, and forbidden by *Edw. 4.* — *Tunc fluxus crinium, tunc luxui vestium, tunc usus calceorum cum arcuatis aculeis inventus est.* *Malms. in Wil. 2.*

*Policy of assurance*, (*Affecuratio*.) Is a course taken by those, who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole adventure, do give some other person a certain rate or proportion, as 6, 8, or 10 in the hundred, or such like, to secure the

the safe arrival of the Ship, and so much Wares at the place agreed on. So that, if the Ship and Wares miscarry, the *Assurers* or *Insurers* make good to the *Venturer* so much as they undertook to secure; if the Ship arrive safely, he gains that clear, which the *Venturer* agrees to pay him. And for the more certain dealing between them in this case, there is a Clerk or Officer ordained to set down in Writing the effect of their agreement, called *Policy*, to prevent any difference that might afterwards happen between them. This term is mentioned *Anno 43 Eliz. cap. 12.* and thereby allowed and established; And *14 Car. 2. cap. 23.* And 'tis of late become a Custom to *Insure* Mens Lives in Offices, who have paid great Sums of Money for the purchase thereof, and are *Insured* from that adventure by a certain Company of Merchants, or Citizens, for three or four *per Cent.* subscribing, or under-writing the agreement, *Policy*, or *Insurance*, who do among them share the *Præmium*, or Money given by the Party Insured, and run the hazard of it: Such Assurance or Policies being not seldom also used in other matters, where loss or damage is feared.

**Poll-money**, (*Capitatio*;) is a Tax upon the Persons or Heads of Men, either upon all indifferently, or else according to some known Title or Mark of Distinction upon each, and that either of bare Honour and Dignity, or else of some Office or Calling, or both, *Stat. 18 Car. 2. cap. 1.* and *19 ejusdem, cap. 6.* by the first of which every Subject in this Kingdom was assessed by the Head or Poll, according to his degree; As every Duke 100 l. Marquess 80 l. *Ec. Baronet* 30 l. Knight 20 l. Esquire 10 l. *Ec.* and every single Person 12 d. &c. And, that this is no new Tax, appears by former Acts of Parliament, where, *Quilibet tam conjugatus quam solutus utriusque sexus pro capite suo solvere cogebatur.* *Parliam. Anno 1380. Walsingham, 7. pod. 534.* There was anciently (says Camden) a personal Tribute, called *Capitatio*, (*Poll-silver*;) imposed upon the Poll or Person of every one, of Women from the 12th, of Men from the 14th, Year of their Age, In his Notes upon Coins.

**Pollard**, Was a sort of Money heretofore current in England, which with Crocards are long since prohibited. *Matth. Westm. in Anno 1299. pag. 413.* Pollards, Crocards, Staldings, Eagles, Leonines, and Steepings, were ancient Coins in England, but now disused and forgotten. *2 Inst. fol. 577.* We also call those Trees Pollards, or Pollengers, which have been usually cropp'd, and therefore distinguished from Timber-Trees. See *Plowden, fol. 469. b.*

**Polygamus**, Is he that is married to two or more Wives together, or at the same time. *3 Inst. fol. 88.*

**Pone**, Is a Writ, whereby a Cause, depending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Br. fol. 2.* See the Table of the Reg. of Writs.

**Pone per vadium**, Is a Writ, commanding

the Sheriff to take surety of one for his appearance at a Day assigned: Of this see five sorts in the Table of the Reg. Judic. verbo, *Pone per Vadium.*

**Ponendis in Assise**, Is a Writ, founded upon the Statute of *Westm. 2. cap. 38.* and *Articuli super Chartas, cap. 9.* which Statutes shew, what Persons Sheriffs ought to impanel upon Assizes and Juries, and what not; as also what number, which see in *Reg. of Writs, fol. 178. a.* and *Fitz. Nat. Br. fol. 133. b.*

**Ponendum in Balliam**, Is a Writ willing that a Prisoner be bailed in cases bailable. *Reg. of Writs, fol. 133.*

**Ponendum sigillum ad exceptionem**, Is a Writ whereby the King willeth Justices, according to the Stat. of *Westm. 2.* to put their Seals to Exceptions laid in by the Defendant against the Plaintiffs Declaration, or against the Evidence, Verdict, or other Proceedings before them.

**Pontage**, (*Pontagium*;) Is a Contribution towards the Maintenance or Re-edifying of Bridges, *Westm. 2. cap. 25.* It may also signify Toll taken to this purpose of those that pass over Bridges, *Anno 1 Hen. 8. cap. 9. 22 Hen. 8. cap. 5. & 39 Eliz. cap. 24.* *Per Pontagium clamat esse quiet. de operibus pontium.* *Plac. in Itin. apud Cestriam 14 Hen. 7.*

**Pontibus reparandis**, Is a Writ directed to the Sheriff, &c. willing him to charge one or more to repair a Bridge, to whom it belongs, *Reg. of Writs, fol. 153. b.*

**Porta**. See Ridge of Land.

**Portary**, (*Porcaria*, according to *Fleta*;) A Swines Sty: But *Porcheria* elsewhere occurs — *ex dono Simonis de Colton quandam placeam in bosco de Colton ad quandam Porcheriam faciendam, &c. Mon. Angl. 1 par. fol. 473. b. & fol. 363.*

**Porter of the Door of the Parliament House**, Is a necessary Officer belonging to that High Court, and enjoys the Privileges accordingly, *Crompt. Jurisd. fol. 11.*

**Porter in the Circuit of Justices**, Is an Officer that carries a Verge or white Rod before the Justices in Eyre; so called a *Portando virgam*, *Anno 13 Edw. 1. cap. 41.* See *Vergers.*

**Portion**, (*Portio*;) Is that Allowance or Proportion which a Vicar commonly has out of a Rectory or Impropriation; be it certain or uncertain. *Stat. 27 Hen. 8. cap. 28.*

**Portgreve**, (*Sax. Post-geese*, i. *Portus vel urbis prefectus*; *Post* in the Saxon signifying the same with *Civitas*, and *geese*, or *Beve*, a Collector of the Rents, as in divers Lordships at this Day;) Is a chief Magistrate in certain Maritime Towns; and (as Camden says in his *Britan. pag. 325.*) the chief Magistrate of London was anciently so termed; in stead of whom Richard the First ordained two Bayliffs; but, presently after him King John granted them a Mayor for their yearly Magistrate.



*Curia Willielmi Conquestoris Civitat.  
London.*

**W**illiam King, Greete William Bishop, and Godfrey Portgreve, and all the Burgeis within London, French and English. And I graunt you, that I will that ye be all your Law worth, that ye were in Edwardis days the King. And I will that ich Child be his faders Coper, and I will suffer, that ouy man you any wrongys breed. And God you kepe.

*Ex libro pervetusto.*

**Portioner**, (*Portionarius*.) — *Pateat universis quod ego Johannes Botelere, Porconarius secundæ portionis Ecclesie de Bromyard, dedi — dat. 17 R. 2.* Where a Parsonage is served by two, or sometimes three Ministers alternately, as Bromyard, *supra*, Burford in Shropshire, &c. The Ministers are called *Portioners*, because they have but their *Portion* or Proportion of the Tythes or Profits of the Living.

**Portmen**, (*Anno 13 Eliz. cap. 24.*) The Twelve Burgeis of Ipswich are so called. Also the Inhabitants of the *Cinque-Ports* are so termed, according to *Camden's Britannia*.

**Portmote**, (from the Sax. *Portre*, *i.* *Portus* & *gemot*, *i.* *Convencus*.) Is a Court kept in Haven-Towns or Ports; as *Swainmote* in the Forest. *Manwood*, par. 1. pag. 111. It is called the *Portmoot Court*, *Anno 43 Eliz. cap. 15.* *Curia Portmоторum, est Curia in Civitate Cestrie coram Majore in aula Motorum tenenda.* Pl. in Itin. ibid. 14 Hen. 7. But *Portmotes* are held in Inland Towns also. *Et quod Portmоторus teneatur in eodem Burgo de Knutsford (Com. Cestrie) — Carta Willielmi Dom. de Tabley Burgensibus de Knutsford.*

**Portuag**, See *Portuag*.

**Port-sale**, (*Anno 35 Hen. 8. cap. 7.*) Is the sale of Fish, presently upon its arrival in the Port or Haven.

**Portuag**, (*Anno 3 & 4 Ed. 6. cap. 10.*) Lat. *Portorium*, is reckoned among Books prohibited by that Stat. I suppose it the same which Chaucer calls a *Porthole*, and which I find elsewhere written *Porteos* & *Portuos*. It was that Book which is now called a *Breviary*, of which thus Chaucer,

For on my Porthole I make an Oath.

See Sir Lewis Clifford's Will, verbo *Will*: And see Skene, verbo *Porteous*.

**Posse Comitatus**. See *Power of the County*.

**Possession**, (*Possessio, quasi, Pedis positio*.) Is twofold, actual, and in Law: The first is, when a Man actually enters into Lands or Tenements to him descended; the other, when Lands or Tenements are descended to a Man, and he hath not as yet actually entred into them. Before, or until an Office is found of Lands Eicheared by Attainder, the King hath only Possession in Law, and not in Deed. *Stamf. Prærog. fol. 54.* There is also an *Unity of Possession*, which the

Civilians call *Consolidationem*: As if the Lord purchase the Tenancy held by Heriot service, the Heriot is extinct by Unity of Possession; because the Seignery and Tenancy are now in one Man's possession. *Kitchin, fol. 134.* See other Divisions of Possession in *Bracton, lib. 2. cap. 17.*

**Post**. See *Per*.

**Post Conquestum**, Was first inserted in the Kings Title by Edward the first, but not constantly used till Edw. 3. time. *Claus. 2. Ed. 3. in Dorso. M. 33.*

**Post Diem**, Is a Fee by way of Penalty upon a Sheriff for his neglect in returning a Writ after the day assigned for its return; for which, the *Custos Brevium* hath four pence, whereas he hath nothing, if it be returned at the day: Sometimes taken for the Fee it self.

**Post Disseisin**, (*Post Disseisina*.) Is a Writ given by the Statute of *Westm. 2. cap. 26.* and lies for him, that, having recovered Lands or Tenements by *Præcipe quod reddat*, upon default, or reddition, is again disseised by the former Disseisor. *Fitz. Nat. Br. fol. 190.* See the Writ that lies for this in the *Reg. of Writs, fol. 208. d.*

**Post Fine**, Is a duty belonging to the King for a Fine formerly acknowledged before him in his Court, which is paid by the Cognizee, after the Fine is fully passed, and all things touching the same accomplished: The rate thereof is so much, and half so much as was paid to the King for the *Præ-Fine*, and is collected by the Sheriff of the County where the Land lies, whereof the Fine was levied, to be answered by him into the Exchequer. *22 & 23 Car. 2. Act for better Recovery of Fines and Forfeitures, &c.*

**Post Term**, Is a Fee or Penalty taken by the *Custos Brevium* of the Court of Common Pleas only, for the Filing any Writ by any Attorney after the Term, or usual time, in which such Writs are returnable; for which the *Custos Brevium* takes the Fee of *xx d.*

**Postea**, Is a Return or Certificat of the proceedings by *Nisi Prius* into the Court of Common Pleas after a Verdict, and there afterwards recorded. See *Plowden, Casu, Saunders, fol. 211. a.* See an example of it in *Cokes Rep. Vol. 6. Rowlands Case, fol. 41.* See *Custos Brevium*.

**Posterority**, (*Posterioritas*, the being or coming after or behind,) Is a word of Comparison and Relation in Tenure, the Correlative whereof is *Priority*: For a Man holding Lands or Tenements of two Lords, holds of his Ancienter Lord by *Priority*, and of his later Lord by *Posterority*. *Stamf. Prærog. fol. 10. & 11.* When one Tenant holds of two Lords, of the one by *Priority*, of the other by *Posterority*, &c. *Old Nat. Br. fol. 94.* See *2 Instit. fol. 392.*

**Postnati**. — 7 Jac. It was by all the Judges solemnly adjudged, That those, who, after the descent of the Crown of England to King James the First, were born in Scotland, were no Aliens in England. As on the contrary, the *Antenati*,

or

or those born in Scotland, before the said descent, were Aliens here, in respect of the time of their Birth. See *Calvins Case*, 7 *Reports*.

**Post-pou's** (from *Postpona*) set or put after another. *Act of Subsidy* 22 & 23 *Car. 2. ca.*—

**Pat** (*Anno* 13. *Car. ca.* 6.) An Head-piece, for War.

**Pat-Ashes** (*Anno* 12. *Car. 2. cap.* 4.) Are made of the best Wood or Fern-ashes, and used in the making Soap; some are made in England, but the best come from beyond Sea.

**Pound** (*Parcus*) Signifies generally any strong inclosure to keep in Beasts; but especially a place of strength, to keep Cattle that are distrained, or put in for any Trespas done by them, until they be replevied or redeemed; and in this signification it is called a *Pound Overt*, or open Pound, being built upon the Lords Waste, and is also called the *Lords Pound*; for he provides it for the use of himself and his Tenants. See *Kitchin. fol.* 144. It is divided into *Pound Open*, and *Pound Close*. *Pound Open*, or *Overt*, is not only the *Lords Pound*, but a Backside, Court, Yard, Pasture-ground, or whatever else, whither the Owner of the Beasts Impounded may come to give them Meat and Drink, without Offence, for their being there, or his coming thither. *Pound Close* is then the contrary, viz. Such a one, as the Owner cannot come unto, for the purpose aforesaid, without offence; as some Close-house, Castle, Fortrefs, or such like place.

**Pound-breach.** See *Pund-brech*.

**Poundage** (*Pondagium*) Is a Subsidy granted to the King, of all manner of Merchandise of every Merchant, Denizen, and Stranger, carried out of this Realm, or brought into the same, to the value of Twelve pence in every Pound. This was granted to Henry the Sixth, for term of his life, and to King Charles the Second, *Anno* 12. *Car. 2. cap.* 4.

**Pourallee.** See *Purlue*.

**Pour fait proclames, que nul insect fines ou ordures en fosses ou rivières pres Citiez,** &c. Is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to Proclaim, That none cast filth into the Ditches or places near such City or Town, and if any be cast already, to remove it. This is founded upon the Statute 12 *Rich. 2. cap.* 13. *Fitz. Nat. Br. fol.* 176.

**Pourpartie** (*Propars, Propartis vel Propartia,*) Is contrary to *Pro Indiviso*; for to make *Pourpartie*, is to divide and sever the Lands that fall to *Parceners*, which before Partition they hold jointly and *Pro indiviso*. v. 1 *Inst. f.* 166. b. *Old Nap. Br. fol.* 11.

**Pourpresture** (*Pourprestura*; from the Fr. *Pourpris*, a Close or Enclosure) Is thus defined by *Glarvile. lib.* 9. *cap.* 11. *Pourprestura est proprie, quando aliquod super Dominum Regem injuste occupatur; ut in Dominicis Regis, vel in vis publicis obstructis, vel in aquis publicis transverfis a recto cursu; vel quando aliquis in civitate super regiam plateam aliquod edificando occu-*

*paverit, & generaliter, quoties aliquid fit ad nocumentum Regii Tenementi, vel Regie vie vel Civitatis.* And by *Crompton* in his *Jurist. fol.* 152. thus. *Pourpresture* is properly when a Man takes to himself or encroaches any thing, which he ought not, whether it be in any Jurisdiction, Land, or Franchise; and generally, when any thing is done to the Nufance of the Kings Tenants. See *Kitchin. fol.* 10. And *Manwood. par.* 1. *pag.* 269. & *Par. 2. cap.* 10. Some Authors make three sorts of this offence, one against the King, the second against the Lord of the Fee, the third against a Neighbor, by a Neighbor. See 2 *Inst. fol.* 38. & 272. & *Lib. nigr. in Scacc. fol.* 37 & 38.

**Pour seoir terres la femme que tient en Dower,** &c. Was a Writ whereby the King seised the Land, which the Wife of his Tenant in *Capite*, deceased, had for her Dowry, if she Married without his leave, and was grounded on the Statute of the *Kings Prerogative. cap.* 3. See *Fitz. Nat. Br. fol.* 174.

**Poursuivant** (from the Fr. *Poursuivre, i. Agere, persequi*) Signifies the Messenger of the King attending upon him in Wars, or at the Council Table, or *Exchequer*, or in His Court, or at His Chamber, to be sent upon any occasion or message; as for the apprehension of a party accused or suspected of any offence. Those that are used in Marshal Causes, are called *Pursuivants at Arms*; whereof there are four of special names, which see in the word *Herald. Stow*, speaking of *Richard the Third* his end, hath these words, *pag.* 784. *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a Pursuivant at Arms like an Hog, or a Calf, &c.*

**Pourveyor** (*Provisor*, from the Fr. *Pourvoir, i. Providere, Prospicere*) Signifies an Officer of the King or Queen, that provides Corn and other Victual for their House. Mentioned in *Magna Charta, cap.* 22. and other Statutes; The Name of *Purveyor* was so odious in times past, that by *Stat. 36. Ed. 3. 2.* The heinous name of *Purveyor* was changed into *Buyer*; but the Office is restrained by *Stat. 12. Car. 2. cap.* 24. See *Purveyance* and *Achat*.

**Purveyance** (Fr. *Purveyance*) Is the providing Corn, Fuel, Victual, and other necessities for the Kings House. By *Stat. 12. Car. 2. cap.* 24. It is provided, That no person or persons by any Warrant, Commission, or Authority, under the Great Seal, or otherwise, by colour of buying or making provision or Purveyance for His Majesty, or any Queen of England, for the time being, or that shall be; or for His, their, or any of their Household, shall take any Timber, Fuel, Cattel, Corn, Grain, Salt, Hay, Straw, Liqueur, Cart, Carriage, or other thing whatsoever, of any the Subjects of His Majesty, His Heirs, or Successors, without the full and free consent of the owner or owners thereof. had, and obtained.



tained without Penace or Enforcement, &c. See *The Antiquity of Præemption and Pourveyance*, &c. And 3 *Inst.* fol. 82.

**Power of the County** (*Posse Comitatus*) According to *Lambert* in his *Eiren. lib. 3. cap. 1. fol. 309.* contains the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and Villains, and of other young Men above the age of Fifteen, within the County; because all of that age are bound to have Harnes, by the Statute of *Winchester*. But Women, Ecclesiastical Persons, and such as are decrepit, or labour with any continual Infirmary, shall not be compelled to attend. For the *Stat. 2. Hen. 3. cap. 8.* says, That persons able to Travel shall be assistant in this service; which is used, where a Potession is kept upon a forcible Entry, or any force or rescue used, contrary to the command of the King's Writ, or in opposition to the execution of Justice.

**Powderbarig.** See *Poledarig*.

**Poynings Law,** Is an Act of Parliament made in Ireland by Henry the Seventh, and so called, because Sir Edward Poynings was Lieutenant there, when it was made; whereby all the Statutes in England were made of force in Ireland, which before that time were not, neither are any now in force there, which were made in England since that time. See *Coke's 12 Rep. fol. 109 Hill. 10 Jac.*

**Pray in Apr.** See *Ayd*.

**Pratum falcabile,** A Meadow or Mowing-ground. — *Jur. dicunt quod prædicta placea a tempore quo — Fuit Pratum falcabile, usque ad prædictum annum quod prædictus W. illud aravit.* Trin. 18. Edw. 1. in Banco. Rot. 50.

**Præbend** (*Præbenda*) Is the Portion which every Prebendary of a Cathedral or Collegiate Church, receives in right of his place, for his maintenance. *Canonica Portio* is properly used for that share, which every Canon receives yearly out of the common stock of the Church; and *Præbenda* is a several Benefice rising from some Temporal Land or Church, appropriated towards the maintenance of a Clerk, or Member of a Collegiate Church, and is commonly surnamed of the place, whence the profit arises.

*Præbends* are either *Simple*, or with *Dignity*, *Simple Præbends* are those, that have no more but the Revenue towards their maintenance: *Præbends with Dignity*, are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this see more in the *Decretals*, tit. *De Præbendis & Dignitat.*

**Prebendary** (*Præbendarius*) Is he that hath such a *Præbend*; so called a *Præbenda auxilium & consilium Episcopo*.

*Præbenda* and *Probenda* were also, in old Deeds, used for Provision, Provand, or Proven-der. — *pro equo suo unum Bushel Avenarum pro Præbenda capienda.* Coucher Book in Duchy Office. Tom. 1. fo. 45. See *Corody*.

The *Golden Prebendary* of Hereford, otherwise called *Prebendarius Episcopi*, is one of the 28

minor *Prebendarys* there, who has *ex Officio* the first Canons place that falls, was anciently *Confessarius* of the Cathedral Church, and to the Bishop, and had the *Altarages*; whereby, in respect of the Gold and other rich Offerings formerly made there, he had the name of *Golden Prebendary*.

**Præcarie,** Days works, which the Tenants of some Mannors are bound to give the Lord in Harvest, which in some places are corruptly called *Bind days*, for *Biden days*, from the Sax. *Bidan*, to pray or intreat. *Baldwinus una bovata pro iis. & Dimid. & ii. Gallinas, & xx Ova, & iiii Precarias, in Autumno, cum uno homine, bis arare, bis herciare, semel falcare, semel fenum levare, &c.* Mon. Angl. 2 par. fol. 539.

a. See *Bederepe, & Mullones*.

**Præces,** has anciently been used in the same sense with *Præcarie* — *Walterus de Haincourt universis, &c. excepto quod singulis annis pro eadem terra quinque solidos mihi dabunt, similiter & tres preces de una caruca, & tres preces in autumno, prima, viz. cum uno homine, secunda cum duobus hominibus, tertia vero die cum tot hominibus, quot in eadem terra cotidie metentes inventi fuerint, &c.* Reg. Abbathie de Welbee. pa. 107.

**Præce partium,** Is when a Sute is continued by the Prayer, Assent, or Agreement of both Parties. Anno 13. Edw. 1. cap. 27.

**Præcept** (*Præceptum*) is commonly taken for a Commandment in Writing, sent out by a Justice of Peace, or other-like Officer, for the bringing a Person, or Records before him; of which you have example of divers in the Table of the *Register Judicial*: And sometimes for the command or provocation, whereby one Man incites another to commit Felony, Theft, or Murder. *Stamf. Pl. Cor. fol. 105. Bracton (lib. 3. tract. 2. cap. 19.)* calls it *Præceptum* or *Mandatum*; whence we may observe three diversities of offending in Murder, *Præceptum*, *Fortia*, *Consilium*: *Præceptum*, being the Intigation used before-hand; *Fortia*, the Assistance in the Fact, as helping to bind the Party murdered or robbed; *Consilium*, advise either before, or in the Deed.

**Præceptories** (*Præceptorie*, Anno 32 Hen. 8. cap. 24.) Were Benefices in a kind, and so termed, because they were possessed by the more eminent sort of the *Templers*, whom the chief Master by his Authority created and called *Præceptores Templi*. *Stephens de Jurisd. lib. 4. cap. 10. num. 27.* Others say, they were here in England, as Cells only, subordinate to their principal Mansion, the Temple in London. Of these *Præceptories*, I find sixteen recorded, as anciently belonging to the *Templers* in England, viz. *Cressing-Temple, Balshal, Shengay, Newland, Yeveley, Witham, Temple-bruere, Willington, Rotheley, Ovenington, Temple-Combe, Trebigh, Ribstane, Mount, S. John, Temple-Newsum, and Temple-hwst.* Mon. Angl. 2 par. fol. 543. But there were more.

**Præcipe quod reddat,** Is a Writ of great Diversity, both in its form and use, for which See

See *Ingressus* and *Entry*. This Form is extended as well to a Writ of Right, as to other Writs of Entry or Possession. *Old Nat. Br. fol. 13.* And *Fitz. Nat. Br. fol. 5.* And it is sometime called *A Writ of Right Close*, when it issues out of the Court of *Chancery Close*; sometimes *A Writ of Right Patent*: As when it issues out of the *Chancery Patent*, and open to any Lords Court, for any of his Tenants deforced, against the Deformer, and must be determined there. Of which, read more at large in *Fitz. Nat. Br. ca. 1.*

**Writ in capite** (*Magna Charta, ca. 24.*) was a Writ issuing out of the Court of *Chancery*, for a Tenant holding of the King in Chief, as of his Crown, and not of the King, as of any Honor, Cattle, or Mannor. *Reg. of Writs, fol. 4. b.*

**Precontract** (*Anno 2 & 3. Edm. 6. ca. 23.*) Is a Contract made before another Contract; chiefly in relation to Marriages.

**Prædial Tithes** (*Decima Prædiales*) Are those which are paid of things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. *Anno 2 Edm. 6. cap. 13.* See *Cokes 2 Instit. fol. 649.* And *Tithes*.

**Præemption** (*Præemptio*) Was a Privilege allowed the King's Purveyor, to have the choice and first-buying of Corn, and other Provision before others, for the Kings House; which is taken away by Stat. 12. Car. 2. cap. 24.

**Præsum**, (22 & 23. Car. 2. Stat. for laying Impositions on proceedings at Law) is that Fine which is paid upon suing out the Writ of Covenant. v. 2 *Inst.* See *Postfine*.

**Prælate** (*Prelatus*) We commonly understand to be an Archbishop or Bishop: But the Learned *Spelman* says, *Prelati Ecclesie vocantur nedum Superiores, ut Episcopi, sed etiam Inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiarum.* Sic enim in Bulla Privileg. apud Mat. Par. in Hen. 3. sub An. 1246. *Innocentius, &c. Universis tam Cathedralium quam aliorum Prælati, nec non Patronis Ecclesiarum, Clerici & laici per Regnum Angliæ constituti, salutem, &c.* Pag. 476.

**Præmisses**. See *Habendum*.

**Premium** (*Premium*) A Reward or Remuneration. Among Merchants it is used for that Sum of Money, as Eight or Ten per Cent. which the *Ensured* gives the *Ensurer*, for ensuring the safe return of any Ship or Merchandise. *Anno 19. Car. 2. ca. 1.*

**Præmunire**, Is taken either for a Writ, so called, or for the offence whereupon the Writ is granted; the one may be understood by the other. Heretofore the Church of *Rome*, under pretence of her Supremacy, and the Dignity of *St. Peters* Chair, took upon her to bestow most of the Bishopricks, Abbathies, and other Ecclesiastical Livings of worth here in *England*, by Mandates, before they were void; pretending therein a great care to see the Church provided of a Successor, before it needed. Whence

it arose, that these Mandates or Bulls were called *Gratia Expectativa*, or *Provisiones*, whereof you may read a Learned Discourse in *Duarenus, de Beneficiis, lib. 3. cap. 1.* These *Provisions* were so rife with us, that at last, King *Edward the Third* not digesting so intolerable an Encroachment, made a Statute in the Twenty 5th year of his Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a third, Anno 27. against those that drew the Kings People out of the Realm, to answer things belonging to the Kings Court; and another Anno 28. Stat. 2. cap. 1, 2, 3 & 4. whereby he greatly restrained this liberty of the Pope; who notwithstanding, still adventured to continue the *Provisions*; inasmuch, as King *Richard the Second*, likewise made several Statutes against them, but most expressly, that of 16 R. 2. 5. which appoints their punishment to be thus, *That they should be out of the Kings Protection, attacked by their Bodies, and lose their Lands, Tenements, Goods and Chattels.* After him, King *Henry the Fourth*, in like manner aggrieved at other abuses, not fully met with in the former Statutes, in the Second year of his Reign, cap. 3. & 4. adds certain new Cases, and lays upon the Offenders in them, the same punishment; whereto I refer you, as likewise to Anno 9 *Ejusdem*, cap. 8. and 3 Hen. 5. cap. 4. and *Smith de Repub. Angl. lib. 3. cap. 9.* Some later Statutes do cast this punishment upon other Offenders, as namely, that of 1 *Eliz. c. 1.* upon him that denies the Kings Supremacy the second time; and 13 *Eliz. cap. 2.* upon him that affirms the Authority of the Pope; or refuseth to take the Oath of Supremacy; and 13 *Eliz. cap. 1.* upon such as are Seditious talkers of the Inheritance of the Crown, or affirm the Queen to be an Heretique. And the Stat. 13. Car. 2. cap. 1. upon such as affirm the Parliament begun at *Westminster*, 3 Nov. 1640. is not yet Dissolved, or that there is any obligation by any Oath, Covenant, or Engagement whatsoever, to endeavour a change of Government, either in Church or State, or that both, or either House of Parliament have, or hath a Legislative Power without the King. And the word is applied most commonly to the punishment first ordained by the Statutes before-mentioned, for such as transgressed them: For where it is said, that any Man, for an Offence committed, shall incur a *Præmunire*, it is meant, That he shall incur the same punishment, as is afflicted on those that transgress the Statute 16 *Rich. 2. cap. 5.* commonly called the Statute of *Præmunire*, which kind of Reference or Application is not unusual in our Statutes. As to the Etymology of the word, it proceeds from the Verb *Præmonere*, being barbarously turned into *Præmunire*, to forewarn or bid the offender take heed. Of which, a Reason may be gathered from the words of the Statute, 27 Ed. 3. ca. 1. and the form of the Writ, in *Old Nat. Br. fol. 143.* *Præmunire facias præfatum præpositum & F. R. præcuratorem, &c. Quod tunc sint coram nobis, &c.* Which



words can be referred to none, but parties charged with the offence. See 3 *Inst.* fol. 119.

**R**ender (from the Fr. *Prendre*, i. *accipere*) Is the power, or Right, of taking a thing, before it is offered. — *It lies in Render, but not in Prender.* *Cokes Rep.* 1 Part. Sir John Peters Case.

**R**ender de Baron, signifies literally to take an Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder, against the killer of her former Husband. *Stamf. Pl. Cor. lib. 3. cap.* 59.

**R**epented (*Præpensus*) Forethought; as *Præpensed malice* (*Malitia Præcogitata*.) When a Man is slain upon a sudden quarrel, if there were *Malice Præpensed* formerly between them, it makes it Murder, or, as it is called (in the Stat. 12 Hen. 7. cap. 7.) *Præpensed Murder.* See *Murder.* And 3 *Inst.* fol. 51.

**R**æpositus Ecclesiæ. See *Church-reve.*

**R**æpositus Villæ, is used sometimes for the Constable of a Town, or Petit-Constable. *Crompt. Juris.* fol. 205. Howbeit, the same Author fol. 194. seems to apply it otherwise, for there *Quatuor homines Præpositi*, are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head, or Chief Officer of the King, in a Town, Mannor, or Village, or a Reeve. See *Reeve. Animalia & res inventæ coram ipso (Præposito) & Sacerdote ducenda erant.* LL. Edw. Conf. cap. 28.

**P**rærogative of the King (*Prærogativa Regis*, from *præ*, i. *ante*, and *rogare*, to ask or demand: For though an Act hath passed both Houses of Parliament, yet before it be a Law, the Royal Assent must be asked and obtained) Is generally that Power, Preeminence, or Privilege, which the King hath over and above other persons, and above the ordinary course of the Common Law, in the Right of His Crown — *Potest Rex ei, lege sue dignitatis, condonare si velit, etiam mortem promeritam.* LL. Edw. Confess. cap. 18. The Kings Person is subject to no Man's Sute; His Possessions cannot be taken from Him by any violence or wrongful Disseisin; His Goods and Chattels are under no Tribute, Toll, or Custom, nor Distrainable; with very many other Regal Rights, and Privileges. See *Stamf. Prærog.* and the Statute of the Kings *Prærogative*, Anno 17 Edw. 2. and *Plowden, Casu, Mines.* *Spelman* calls it *Lex Regiæ Dignitatis*.

**P**rærogative Court (*Curia Prærogativa Archiepiscopi Cant.*) the Court wherein all Wills are proved and all Administrations granted that belong to the Archbishop, by his *Prærogative*, that is, in case where the deceased had Goods of any considerable value out of the Diocess, wherein he died, and that value is ordinarily 5 l. except it be otherwise by composition between the said Archbishop, and some other Bishop, as in the Diocess of London

it is 10 l. And if any contention arise, touching any such Will or Administration, the cause is properly debated and determined in this Court; the Judge whereof is called, *The Judge of the Prærogative Court of Canterbury.* The Archbishop of York hath also the like Court, which is termed his *Exchequer*, but far inferior to this in Power and Profit. 4 *Inst.* fol. 335.

**P**ræbyteratus Judæorum totius Angliæ, was a Temporal Office in Hen. 3. time, being the *Custos Rotulorum*, or *Controllership* of the Kings *Exchequer* for the Jews, *Seaccarii Judæismi nostri.* *Claus.* 27. Hen. 3. pars 12. m. 3.

**P**rescription (*Præscriptio*) Is a Title, taking its substance of use and time allowed by the Law; As when a Man claims any thing, because he, his Ancestors, or they, whose Estate he hath, have had, or used it all the time, whereof no memory is to the contrary; or when, for continuance of time, whereof there is no memory, a particular person hath particular right against another particular person. *Kitchin.* fol. 104. See *Coke on Littl.* fol. 140. But as in the Civil Law, so in the Common, *Prescription* may be in a shorter time, at least in some particular Cases. For example, where the Statute Anno 8. Rich. 2. cap. 4. says, That a Judge or Clerk convicted for false entering of Pleas, &c. may be Fined within two Years, the two Years being past, he *prescribes* against the punishment of the said Statute. So the Statute Anno 11. Hen. 7. says, That he, who will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within six days, those six days ended, the parties *prescribe*: And divers other Statutes have the like Limitations of time, whence may arise a like *Prescription*. See *Action Perpetual and Temporal.* See *Lamb. Eiren.* lib. 4. cap. 5. pag. 469. Of this *Prescription*, and the Learning touching the same, you may read *Cokes Rep. Lutterell's Case*, Vol. 4. fol. 84. and *Latches Rep.* fol. 110. *Præscriptio est jus quoddam, ex tempore congruens, auctoritate legum vim capiens, penam negligentibus inferens & finem libris imponens.* — *Quadragesimalis Præscriptio omnem proisus actionem excludat.* *Reformatio Legum Eccles.* pag. 246. See *1st.* fol. 653.

**P**ræsentare ad Ecclesiam, Originally denotes the Patrons sending or placing an Incumbent in the Church, and is made only for *præsentare*, which in the Council of Lateran and elsewhere occurs also for *Præsentare*. *Selden of Tythes*, pa. 390.

**P**resentation (*Præsentatio*) Is used properly for the Act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift; the Form whereof see in *Reg. of Writs.* fol. 322. a. See *Parson*.

**P**resentee, Is the Clerk that is so presented by the Patron. In the Stat. 13 Rich. 2. cap. 1. mention is made of the *Kings Presentee*, that is, he whom the King presents to a Church.

**P**resentment

**Presentation**, Is a mere denunciation of the Jurors themselves, or some other Officer, as Justice of the Peace, Conftable, Searcher, Surveyor, &c. (without any information) of an offence inquirable in the Court, whereunto it is presented: *Lamb. Eiren lib. 4. cap. 5. pag. 467.*

**President** (*Præses*) Is used for the Kings Lieutenant in any Province or Function; as *President of Wales, York, Berwick, President of the Kings Council. Anno 22. Hen. 8. cap. 8. President of the Weavers of Kidderminster Stuffs. Annis 22, & 23. Car. 2. cap. 1.*

**P.ett**, Is used for a Duty in Money to be paid by the Sheriff, upon his account in the *Exchequer*; or for Money left or remaining in his hands. *Anno 2. & 3. Edw. 6. ca. 4.*

**Pieu-money**, Is so called of the French word, *Prest, i. Promptus, Expeditus*; for that it binds those that receive it, to be ready at all times appointed, commonly meant of Soldiers. *Anno 18. Hen. 6. 19. — 7 Hen. 7. 1. — 3 Hen. 8. 5. And 2 Edw. 6. 2.*

**Prestation-money** (*Præstatio, i. A performing or paying*) Is a sum of Money paid by Archdeacons and other Clergy-men yearly to their Bishop, *Pro exteriori Jurisdictione. — Et quieti sint a Præstatione Muragii. Carta Hen. 7. Burgenf. Mountgomer. Præstatio* was also antiently used for other payments, and sometimes for *Pourveyance*. See Mr. Philips's Book on that Subject, pag. 222. And see *Spiritualities*.

**Presumption** (*Præsumptio*) Is of three sorts. 1. *Violent*, which is many times *Pleita Probatio*; as if one be run through the Body in an House, whereof he instantly dies, and a Man is seen to come out of the House with a Bloody Sword, and no other Man was at that time in the House. 2. *Probable*, which moveth little. 3. *Levi seu temeraria*, which moves not at all. So in case of a Charter of Feoffment, if all the witnesses to the Deed be dead, then *Violent Presumption*, which stands for a proof, is, continual and quiet Possession. *Coke on Littl. lib. 1. ca. 1. sect. 1. Præsumptio stat in dubio*, it is doubted of, yet it is accounted *Veritatis comes quatenus in contrarium nulla est probatio, ut regula se habet: Stabitur præsumptio donec probetur in contrarium. Presumption* was antiently taken for Intrusion. — *Assultus, Roberia, Sterbrech, Præsumptio terre vel pecunie Regis, &c. LL. Hen. 1. cap. 10. De his quæ sunt de Jure Regis.*

**Pretensed Right** (*Jus Prætersum*) Is where one is in possession of Lands or Tenements, and another who is out, claims it; and sues for it; here the *Pretensed Right* or Title is to be in him, who so does sue and claim.

**P.ter.** See *Value*.

**P.icked Bread.** — *Molendinario septem panes de Conventu & septem panes de P.icked bread. Monast. Angl. 1 Part. fol. 498. b. Quere.*

**P.ide-gavel**, In the Mannor of Rodeley in

*Com. Gloc.* is paid to this day, as a Rent to the Lord of the Mannor, by certain Tenants, in Duty and Acknowledgment to him for their Liberty and Priviledge of Fishing for *Lamprays* in *Severn*. (*P.ide* for brevity, being the later syllable of *Lamprid*, (as antiently they were called) and *Gavel*, a Rent or Tribute) *Ty-lors Hist. of Gavelkind, fol. 112.*

**P.imo Beneficium.** See *Beneficid.*

**P.amage** (*Anno 32. Hen. 8. ca. 14.*) Is a Duty due to the Mariners and Sailors for the Loading of any Ship at the setting forth from any Haven, which is in some places, a peny in the pound; in others, Six pence per Pack or Bale, according to the Custom of the place.

**Primier Seisin** (*Prima Seisina, i. The first Possession*) was a Branch of the Kings Prerogative, whereby he had the first Possession of all Lands and Tenements holden of him in chief, whereof his Tenant died seised in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of age, did his homage; if under age, until he were. But all charges arising by *Primier Seisins*, are taken away by the Stat. 12 Car. 2. cap. 24.

**Prince** (*Princeps*) Is sometimes taken for the King himself; but more properly for the Kings Eldest Son, who is *Prince of Wales*; as the Eldest Son to the French King is called *Dauphine*, both being Princes by their Nativity. *Ferns Glory of Generosity, pag. 138.*

Before Edward the Second was born at *Carnarvan*, and was the first *Prince of Wales*, the Kings Eldest Son was called *Lord Prince. Stamf. Prærog. ca. 22. fol. 75. See Hen. 8. ca. 26. And 28 Ejsudem, ca. 3.*

**Principal** (*Principalium*) An Heir-lome, *Qued vide.* It was also sometimes used for a Mortuary, or *Corse present*; — *Item lego equum meum vocatum le Bay Gilding, ut offeratur ante corpus meum in die sepulture mee, nomine Principalii. Vis. volum. Johannis Marlesfield, 9. Hen. 5. In Urbesficid Com. Heref. certain Principals, as the best Beatt, best Bed, best Table, &c. pass to the eldest Child, and are not subject to Partition. Also the chief person in some of the Inns of Chancery is called *Principal* of the House. See *Antient.**

**Principality of Chester.** *Anno 21. Rich. 2. ca. 9. See County Palatine, and Crimp. Jurisd. f. 137.*

**P.icez perpetual, or Dative and remove-able.** *Anno 9 Rich. 2. ca. 4. And 1 Edw. 4. ca. 1. Lord Prior of St. Johns of Jerusalem, (who was Primus Baro Anglia.) Anno 26. Hen. 8. ca. 2. See Abbat.*

**P.riores Aliens** (*Priores Alieni*) were certain Religious Men, born in *France*, and *Normandy*, and Governors of Religious Houses, erected for *Outlandish* Men here in *England*; which were by *Henry the Fifth* thought no good Members for this Land, and therefore suppressed; whose Livings were afterwards by *Henry the Sixth* given to other Monasteries and Houses of Learning, (*Stows Annals, pag. 582.*)



582. And 1 Hen. 5. ca. 7.) but especially to the erecting of those two famous Colleges, called *The Kings Colleges of Cambridge and Eaton.* 2 Part Inst. fo. 584.

**Priority** (*Prioritas*) Signifies an Antiquity of Tenure, in comparison of another lets ancient. As, To hold by *Priority*, is to hold of a Lord more anciently than of another. *Old Nat. Br. fo. 94.* So to hold by *Posteriority* is used in *Stamf. Prærog. ca. 2. fo. 11.* The Lord of the *Priority* shall have the custody of the Body, &c. *Crompt. Jurif. fol. 120.* See *Posteriority*.

**Prisage** (*Prisagium*, Fr. *Pris*) Is that Custom or Share, that belongs to the King, or Lord Admiral, out of such Merchandises as are taken at Sea, by way of lawful *Prize*, which is usually a Tenth part. 31 Eliz. ca. 5. *Prisagium est jus Prælas capiendi, vel ipse actus.*

**Prisage of Wines** (*Anno 1. Hen. 8. ca. 5.*) Is a word almost out of use, now called *Butlerage*, (because the Kings chief *Butler* receives it) which is a Custom whereby the King challenges out of every Bark laden with Wine, containing Twenty Tuns or more, two Tun of Wine; the one before, the other behind the Mast at his price, which is Twenty shillings for each Tun; yet this varies according to the Custom of the place, for at *Boston*, every Bark laden with Ten Tuns of Wine, or above, pays *Prisage*. See *Butlerage*, and *Catshrops Reports*, fol. 20. And 4 Part Inst. fol. 30.

**Memorandum**, quod Rex habet ex antiqua consuetudine de qualibet Nave Mercatoris Vini 6 Carcat. applican. infra aliquem portum Angliæ de viginti dolis duo dolia & de decem dolis unum de *Prisa Regia* pro quodam certo ab antiquo constitut. solvend. P. Rec. 20 R. 2.

**Prise** (*Prisa*) From the Fr. *Prendre*, i. *Capere*) Signifies in our Statutes the things taken of the Kings Subjects by Purveyors. *Anno 13. Edw. 1. ca. 1. and 28 Ejsusdem, stat. 3. ca. 2.* It signifies also a Custom due to the King. *An. 25 Ejsusdem, ca. 5. Reg. of Writs, fol. 117. b. In for. et paginis antiquis* (says the Learned *Speelman*) *Præte plerumque intelliguntur de annonæ veique frumentariæ captionibus aliis etiam necessariis, ab alenda instruendaque castrorum præsidia; nec non & regiam familiam minori quam justo pretio agricolis arreptis, &c. In Rescripto quodam Anno 3. Edw. 1. Norff. ff. — Rogerus de Monte alto, qui sororem & heredem Hugonis de Albeney, &c. desponsaverat, clamat habere libertates has subscriptas, viz. Castellum suum de Risinge cum *Prisis* 40 dierum, &c. Ubi clausulam cum *Prisis* 40 dierum intelligo de libertate capiendi victualia quæ vocant ad sustentationem præsidarii militis Castri sui, ita quod pretium reddat infra 40 dies. See the Stat. 12 Car. 2. ca. 24.*

**Prisoner** (Fr. *Prisonnier*) Signifies one that is restrained of his Liberty upon any Action, Civil, or Criminal, or upon Command-

ment. And a Man may be *Prisoner upon Matter of Record*, or *Matter of Fact*: *Prisoner upon Matter of Record*, is he, who, being present in Court, is by the Court committed to Prison, only upon an Arrest, be it by the Sheriff, Constable, or other. *Stamf. Pl. Cor. lib. 1. ca. 32. fol. 34 & 35.*

**Privation** (*Privatio*) A bereaving or taking away: Most commonly applied to a Bishop, or Rector of a Church; when by Death, or other Act, they are deprived of their Bishoprick or Benefice. See *Coke on Littl. fol. 329.*

**Privy** (Fr. *Privé*, i. *Familiaris*) Signifies him that is a partaker, or hath an interest in any Action, or thing; as *Privies of Blood*, *Old Nat. Br. fol. 117.* Every Heir in Tail is *Privy* to recover the Land intailed. *Eodem, fol. 137.* *Merchants Privy*, are opposite to *Merchant Strangers.* *Anno 2. Edw. 3. cap. 9. & 14. Coke (lib. 3. Walkers Case, fol. 23. And lib. 4. fol. 123.)* mentions four kind of *Privies*, viz. *Privies in Blood*, as the Heir to his Father; *Privies in Representation*, as Executors or Administrators to the deceased; *Privies in Estate*, as he in Reversion, and he in Remainder, when Land is given to one for life, and to another in Fee; the reason is, for that their Estates are created both at one time: The fourth is *Privy in Tenure*, as the Lord by Escheat, that is, when Land Escheats to the Lord for want of Heirs. The *Expositor of Law-terms* adds a fifth sort of *Privy*, whom see, and *Coke on Littl. Lib. 3. ca. 8. Sect. 161.*

**Privy Seal** (*Privatum sigillum*) Is a Seal that the King useth to such Grants, or other things as pass the Great Seal; First, they pass the *Privy Signer*, then the *Privy Seal*, and lastly the Great Seal of England. The *Privy Seal* is also sometimes used in things of less consequence, that do not at all pass the great one. No Writs shall pass under the *Privy Seal*, which touch the Common-Law. 2 Inst. fol. 555.

**Privilege**, (*Privilegium*) Is either personal or real: A *Personal Privilege* is that which is granted or allowed to any person, either against or besides the course of the Common-Law: as, a Member of Parliament may not be Arrested, nor any of his Menial Servants in the time of Parliament, nor for certain days before and after. A *Privilege real* is that which is granted to a place, as to the Universities, that none of either may be called to *Westminster Hall*, or prosecuted in other Courts. See the *New Book of Entries*, verbo, *Privilege*. *Privilegium est jus singulare, hoc est, privata lex, quæ uni homini vel loco, vel Collegio & similibus aliis conceditur.*

**Privy**, (Fr. *Privauté*) Private Familiarity, Friendship, Inward Relation. If there be Lord and Tenant, and the Tenant holds of the Lord by certain Services, there is a *privy* between them, in respect of the Tenure. See *Privie*.

Probat

**Probat of Testaments,** (*Probatio Testamentorum*.) Is the exhibiting and proving last Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is *Ordinary* of the place where the party dies. If all the deceased parties Goods, Chattels, and Debts owing him were in the same Diocess, then the Bishop of the Diocess, or the Arch-deacon (according as their composition or prescription is) has the *Probat* of the *Testament*; if the Goods were dispers'd in divers Diocesses, so that there were any Sum of note, (as Five Pounds ordinarily) out of the Diocess where the party liv'd, then is the Archbishop of *Canterbury* (or *York*) the *Ordinary* by his *Prerogative*. This *Probat* is made in two sorts, either in *common form*, or *per testes*; The first, is only by the Oath of the Executor, who swears upon his credulity, that the Will by him exhibited, is the last Will and Testament of the party deceased. *Per testes* is, when, besides his Oath, he also produceth *Witnesses*, or makes other proof to confirm the same; which later course is taken most commonly, where there is fear of strife or dispute about the Testators Goods: For it is held, that a Will proved in *common form* only, may be call'd in question any time within thirty years after. And, where a Will disposes of Lands, or Tenements of Freehold, it is now usually proved by Witnesses in *Chancery*.

**Procedendo,** Is a Writ, whereby a Plea, or Cause, formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of Privilege, or *Certiorari*, is released, and sent again to the same Court to be *proceeded* in there, after it appears that the Defendant has no cause of privilege, or that the matter comprised in the Parties Allegation or Suggestion is not well proved. *Brooke, hoc titulo*, and *Coke, vol. 6. fol. 63.* See *Anno 21 Rich. 2. cap. 11.* Letters of *Procedendo*, granted by the Keeper of the Privy-Seal. See in what diversity it is used in the Table of the Register of Writs Original and Judicial, *Anno 21 Jac. cap. 23.*

**Process,** (*Processus, a procedendo ab initio usque ad finem.*) Is so called, because it *proceeds* (or goes out) upon former matter, either Original or Judicial; and, has two significations: First, it is largely taken for all *proceeding* in any real or personal, civil or criminal, Action, from the Original Writ to the end. *Britten. fol. 138.* Secondly, We call that the *Process*, by which a Man is called into any Temporal Court, which is always in the Name of the King. See *Lamb.* in his Tractat of *Processus* adjoining to his *Eiren.* Divers kinds of *Process* upon Inditements before Justices of the Peace, see in *Crompt. Justice of P. fol. 134.* *Special Process* is that, which is especially appointed for the offence by Statute:

**Processum continuando,** Is a Writ for the continuance of a *Process*, after the death of the Chief Justice, or other Justices in the Writ or Commission of *Oyer and Terminer.* *Reg. of Writs, fol. 128. a.*

**Prochein amey,** (*Fr. Prochain amie, proximus amicus.*) Is used for him that is next of kin to a Child in his nonage, and is in that respect allow'd by Law, to deal for him in managing his affairs; as to be his Guardian, if he hold in *Socage*, and in the redress of any wrong done him. *Stat. Westm. 1. cap. 48.* and *Westm. 2. cap. 15.* and is, in the prosecution of any action at Law, *per Guardianum*, where the Plaintiff is an Infant; and *per proximum Amicum*, where the Infant is Defendant. See 2 *Inst. fol. 261.*

**Proclamation,** (*Proclamatio.*) Is a notice publicly given of any thing, whereof the King thinks fit to advertise his Subjects; so is it used *Anno 7 Rich. 2. cap. 6.* 31 *Hen. 8. cap. 8.* *Proclamation of Rebellion*, is a Writ so called, whereby publick notice is given, where a Man, not appearing upon a *Subpœna*, nor an Attachment in the Chancery, shall be reputed a Rebel, if he render not himself by a day assigned in this Writ. See *Commission of Rebellion.*

**Proclamation of a Fine,** Is a notice openly and solemnly given at all the Assizes, held in the County within one year after the ingrossing it; which Proclamations are made upon Transcripts of the *Fine*, sent by the Justices of the Common-Pleas to the Justices of Assize, and of the Peace. *West, Part 2. Symbol. tit. Fines. Sect. 132.* where also you may see the form of the *Proclamation.* *Proclamare est palam & valde clamare.* See *Proclamations* in divers cases, *New Book of Entries, verbo, Proclamations.*

**Pro confesso,** Upon a Bill exhibited in Chancery, where the Defendant appears, and is in contempt for not answering, and in custody; upon a *Habeas Corpus* (which is granted by order) to bring him to the Bar, the Court assigns him a day to answer, which being expir'd, and no Answer put in, a second *Habeas Corpus* is likewise granted, and a further day assign'd; by which day, if he answer not, the Bill, upon the Plaintiffs Motion, shall be taken *pro confesso*, unless cause be shew'd by a day, which the Court does usually give; and, for want of such cause shew'd upon Motion, the Substance of the Plaintiffs Bill shall be decreed, as if it had been *confessed* by the Defendants Answer: As it was in the Case of *Filmore and Denny Hill, 1662.* Or, after a fourth insufficient Answer made to the Bill, the matter of the Bill, not sufficiently answer'd unto, shall be taken *pro confesso.*

**Proctors of the Clergy,** (*Procuratores Cleri.*) Are those, who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocess, to sit in the Convocation-House in the time of Parliament. The manner of their Election, see in *Cowels Interpreter* on this word. See *Prolocutor* and *Convocation*, and see 4 *Inst. fol. 4.*

**Procurations,** (*Procuraciones.*) Are certain Sums of Money which Parish-Priests pay yearly to the Bishop or Arch-deacon, *ratione visitationis*;



*visitationis*; They were anciently paid in necessary Victuals for the Visitor and his Attendants, but afterwards turn'd into Money. For *Procuratio*, in a strained sense, signifies Diet or Entertainment, and is thus defin'd by *Vallensis*, to be *neccessarium sumptuum exhibitio, quæ, ratione visitationis, debetur ab Ecclesia vel Monasterio ei cui ex officio incumbit ius & onus visitandi, sive is sit Episcopus sive Archidiaconus, sive Decanus, sive Legatus summi Pontificis*. Anno 1290. Md. quod die Mercurii in Festo Sancti Luce Evang. Dominus Episcopus cepit Procuracionem suam in cibis & potibus apud Bredesley, & pernoctavit ibidem. Giff. fo. 226. b. See an Historical Discourse of Procurations and Synodals, Printed Anno 1661. These are also called *Proxies*; as, *Archidiaconatus Glouc. valet clare in Proxis, Cenag. & Pentecostal. per an. 64--10--00*. Ex Record Prunthar. 26 Hen.8. See Dicr. fo. 273. b. and *Clauſ. Ret.* 31 Ed. 1. m. 15. *darſe*.

**Procuracy**, (*Anno 3 Rich. 2. Stat. 1. cap. 3.*) See *Procurator*.

**Procurator**, Is used for him that gathers the fruit of a Benefice for another Man. *Anno 3 Rich. 2. Stat. 1. cap. 3.* And *Procuracy* for the Writing or Instrument, whereby he is Authorized. *Procurators* are at this day in the West parts called *Proctors*.

**Procurators**. See *Malveis Procurors*.

**Proſe**, alias **Proſe**, Is used for an Enquest. *Anno 28 Ed. 3. cap. 13.*

**Proſer**, (*Proſum, vel Proferum*, from the Fr. *Proferer*, i. *Producere, Edicere, Allegare*.) Is the time appointed for the Accompts of Sheriffs, and other Officers, in the Exchequer, which is twice in the year. *Anno 51 Hen. 3. Stat. 5.* which may be gathered also out of the *Register*, fol. 139. in the Writ *De Attornato vicecomitis pro proſo faciend.* We read also of *Proſers*, *Anno 32 Hen.8. cap. 21.* in these words; *Trinity Term shall begin the Monday next after Trinity Sunday, whencever it shall happen to fall, for the keeping of the Chloins, Proſers, Returns, and other Ceremonies heretofore used and kept.* In which place, *Proſer* signifies the offer or endeavor to proceed in an Action by any Man, concerned so to do. See *Britton. cap. 28. fol. 50. b. & 55. a. & 80. b. and Fleta, lib. 1. cap. 38. Sect. Utlagati & seq.* — *Præterea idem Henricus de Haſtinggis, & antecessores sui solebant capere & de jure habere rationabiles expensas suas versus Scaccarium singulis annis, pro duobus Proſris faciendis & uno compoto reddendo per annum, &c.* Elſæet. *Anno 30 Ed. 1. n. 19.* See *Rileys Pla. Parl. fol. 201. de Anno 22 Ed. 1.*

**Proſer the Haltmark**. See *Half-mark*.

**Proſeſſion**, (*Proſeſſio*.) Is used particularly for the entering into any Religious Order. *New Book of Entries, verbo Proſeſſion.*

**Prohibition**, (*Prohibitio*.) Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon suggestion, that the cognition thereof belongs not to the said Court. *Fitz. Nat. Br. fol. 39. G.* but, is now usually taken for that Writ, which

lies for one that is impleaded in the Court Christian, for a Cause belonging to the Temporal Jurisdiction, or the Cognisance of the Kings Court, whereby, as well the Party and his Counsel, as the Judge himself and his Register are forbidden to proceed any further in that Cause. See *Brooke, hoc titulo*, and *Fitz. Nat. Br. fol. 93.* and *Bracton, lib. 5. Tract. 5. cap. 3. usque ad 12.* who says, that it lies not after Sentence given in any Cause. And the *Stat. 50 Ed. 3.* ordains, that but one *Prohibition* should lie in one Cause. See the diversity of *Prohibitions* in the Table of the *Register of Writs, New Book of Entries*, on this word, and 2 *Part Inst. fol. 601.*

**Prohibitio de vaito directa parti**, Is a Writ Judicial directed to the Tenant, prohibited him, from making Waste upon the Land in controversy, during the Sute, *Reg. of Writs Judic. fol. 21.* It is sometimes made to the Sheriff, the example whereof you have next following in the same Book.

**Pro indiviso**, Is a Possession or Occupation of Lands or Tenements, belonging to two or more persons, whereof none knows his several portion; as *Coparceners* before partition. *Bracton, lib. 5. Tract. 2. cap. 1. Num. 7.* See *Pow-party and Partitione faciend.*

**Prolocutor of the Convocation House**, (*Prolocutor Domus Convocationis*.) Is an Officer chosen by Persons Ecclesiastical, publicly assembled by virtue of the Kings Writ at every Parliament: And as there are two Houses of Convocation, so are there two *Prolocutors*, one of the higher House, the other of the lower; the later of which is, presently upon the first Assembly, by the motion of the Bishops, chosen by the lower House, and presented to the Bishop for *Prolocutor* of the lower House, that is, the person, by whom they intend to deliver their Resolutions to the higher House, and to have their own House especially ordered and governed. His Office is, to cause the Clerk to call the Names of such as are of that House, when he sees cause, to read all things propounded, gather suffrages, and the like. *Comel.*

**Promooters**, (*Promotores*.) Are those, who, in Popular and Penal Actions, do prosecute Offenders in their Name, and the Kings, having part of the Fines or Penalties for their reward. These among the Romans were called *Quadruplatores*, or *Delatores*. They belonged chiefly to the Exchequer, and Kings Bench. *Smith de Repub. Angl. lib. 2. cap. 14.* Sir Edw. Coke calls them *Turbidum hominum genus*, 3 *Instit. fol. 191.*

**Promulged**, (*Promulgatus*.) Published, proclaimed. *Anno 6 Hen. 8. cap. 4.*

**Procuratory or Prothonotary**, (*Protonotarius, i. Primus notarius*.) Is a chief Clerk of the Common Pleas, and Kings Bench, whereof the first hath three, the other one: For the *Pregnotary* of the Common Pleas (*Anno 5 Hen. 4. cap. 14.*) is termed a chief Clerk of that Court. He of the Kings Bench Records all Actions Civil, as the Clerk of the Crown-Office does all Criminal Causes in that Court. Those of the Common Pleas, since

since the Order of 14 Jac. upon an Agreement made betwixt the *Prothonotaries* and *Filers* of that Court, (who before did enter all Declarations and Pleas, whereunto a Serjeants Hand was not required) do enter and enrol all manner of Declarations, Pleadings, Assises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Distingas Furator*. for which, there is a particular Office not much beyond the memory of Man erected, called *The Habeas Corpora Office*. They also make out *Writs of Execution*, and of *Seisin*, *Writs of Privilege*, for removing Causes from other Inferior Courts of Record, in case where the party hath cause of Privilege. Writs of *Procedendo*, of *Scire Facias* in all Cases, and Writs to enquire of Damages; and all Process upon Prohibitions, and upon Writs of *Audita Querela*, and False Judgment, *cum multis aliis*. They enter and enrol all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up and brought into the Treasury of Records in that Court.

*Pro partibus Liberandis*, Is a Writ for the partition of Lands between Co-heirs. *Reg. of Writs*, fol. 316.

*Property*, (*Proprietas*.) Is the highest right a Man hath, or can have to any thing, and no ways depending upon another Mans courtship. Which none in our Kingdom can properly be said to have in any Lands or Tenements, but only the King in right of his Crown: Because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless is used for that right in Lands and Tenements that common persons have; because it imports as much as *utile Dominium*, though not *Directum*. See *Fee*, and *Coke*, lib. 7. fol. 17.

*Prophecies*, (*Prophetiae*.) Are in our Statutes taken for wizardly fore-tellings of Matters to come, in certain hidden and enigmatical Speeches; whereby great Commotions have been often caused in this Kingdom, and great Attempts made by those, to whom such Speeches promised good success, though the words are mystically framed, and point only at the Cognizance, Arms, or some other quality of the parties. *Anno 3 Edw. 6. cap. 15.* And *7 Ejsdem*, cap. 11. And *5 Eliz. cap. 15.* But these for distinction sake, are called *Fond*, *Falsè*, or *Phantastical Prophecies*. *3 Inst. fol. 128.*

*Proportum*, Purport, intention or meaning. — *Secundum proportionem dicti Cyrographi inter eos confecti.* *Carta Rogeri de Quincy*, 31 Hen. 3.

*Propounders*. The 85 Cha. of *Cokes 3 Institutes*, is entituled, *Against Monopolists, Propounders*, and *Projectors*; where it seems to be used only as a *Synonima* to *Monopolists*.

*Proprietary*, (*Proprietarius*.) Is he that hath a property in any thing, *Que nullius arbitrio est obnoxia*. But it was heretofore most commonly used for him that hath the Fruits of a Benefice to himself, and his Heirs, or Successors, as in

time past, Abbats and Priors had to them and their Successors. See *Appropriation*.

*Proprietate Probantia*, Is a Writ that lies for him, who would prove a property before the Sheriff. *Reg. of Writs*, fol. 83. & 85. For where a Property is alledged, a *Replegiare* properly lies not. *Brock*, Property 1.

*Pro rata*, i. *Pro proportionione*. *Anno 16 Car. 2. cap. 6.*

*Pro rata portionis*. See *Oneranda pro rata portionis*.

*Prologue*, (*Prologo*.) To prolong, defer, or put off to another day, to continue. *Anno 6 Hen. 8. cap. 8.* The difference between a *Prorogation*, and an *Adjournment* or Continuance of the Parliament, is, That by the *Prorogation* in open Court, there is a Session, and then such Bills as passed in either House, or by both Houses, and had no Royal Assent to them, must at the next Assembly begin again: For every several Session of Parliament is, in Law, a several Parliament; but if it be but adjourned or continued, then is there no Session, and consequently all things continue in the same state they were in before the Adjournment. *4 Inst. fol. 27.* This distinction and difference betwixt *Prorogation* and *Adjournment*, has not been long in use; for anciently they were used as *Synonima's*, *Prorogetur Curia de hora in horam quousque Placitum terminetur*. MS. de LL.

*Prosecutor*, Is he that followeth a Cause in anothers name. See *Promoters*.

*Protection*, (*Protectio*.) Is generally taken for that benefit and safety which every Subject, Denizen, or Alien, specially secured, hath by the Kings Laws. *Anno 25 Edw. 3. cap. 22.* And it is used specially for an Exemption or Immunity, given by the King to a person against Suits in Law, or other Vexations, upon reasonable causes him thereto moving, which is a Branch of his Prerogative. And of this Protection, *Fitzherbert* (*Nat. Br. fol. 28.*) makes two sorts: The first he calls a *Protection, cum clausula, Volumus*—Whereof he mentions four particulars, 1. A *Protection, Quia profecturus*, for him that is to pass over Sea in the Kings service. 2. *Quia moraturus*, for him that is abroad in the Kings service upon the Sea, or in the Marches. *Anno 7 Hen. 7. cap. 2.* 3. For the Kings Debtor, that he be not sued nor attached, till the King be paid his Debt. *Anno 15 Edw. 3.* And 4. in the Kings service beyond Sea, or on the Marches of Scotland. *Anno 1 Rich. 2. cap. 8. Reg. of Writs*, fol. 23. And *Britton*, cap. 123.

The second form of Protection is, *Cum clausula, Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity from having their Cattle taken by the Kings Ministers: But it may also be granted to a single person Spiritual or Temporal. Protection extends not to Pleas of Dower, *Quare Impedit*, *Assise of Novel Disseisin*, *Darrein Presentment*, *Attaints*, nor Pleas before Justices in Eyre. See *New Book of Entries* on this word.



**Proto-forestarius**, Was he whom our ancient Kings made chief of *Windsor-Forest*, to hear all causes of death, or mayhem there. *Cam. Brit. pag. 213.* A Lord Chief Justice in Eyre.

**Protest**, (*Protestari*.) Hath two divers Applications, one is by way of cautel, to call witnesses (as it were) openly to affirm, That he doth either not at all, or but conditionally, yield his consent to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath, further than he is by Law bound. *Reg. of Writs, fol. 306. b.* The other is by way of complaint, to *Protest* a Mans Bill: As if I pay Money to a Merchant in *France*, taking his Bill of Exchange to be repaid in *England* by his Factor or Assignee, if at my coming I find not my self satisfied, but either delaid or denied, then I go into the Exchange, and *Protest* that I am not paid or satisfied by him. And thereupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

**Protestation**, (*Protestatio*.) Is (as Justice *Wals* defines it) a defence of safeguard to the party that makes it, from being concluded by the Act he is about to do, that Issue cannot be joyned upon it. *Plowden, fol. 276. b.* It is a form of pleading, when one does not directly affirm, nor directly deny any thing that is alledged by another, or which he himself alledgeth.

**Prothonotary**. See *Pronotary*.

**Prove**. See *Profe*.

**Prover**, (*Probator*.) *Anno 28 Edw. 1.* And *5 Hen. 4. cap. 2.* See *Approver*. And *3 Part Inst. fol. 129.* A Man became an Approver and appealed five, and every of them joyned Battle with him, *Et duellum percussum fuit cum omnibus*, & Probator devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat esse Clericum & allocatur; & Probator pardonatur. *Mich. 39 Edw. 3. coram Rege Rot. 97. Suff.*

**Province**, (*Provincia*.) Was used among the Romans for a Country, without the compass of Italy, gained to their subjection by the Sword, of which, that part of *France* next the Alps, was one, and still retains the name. But with us a Province is most usually taken for the Circuit of an Archbishops Jurisdiction, as the Province of *Canterbury*, and that of *York*. *Anno 32 Hen. 8. cap. 23.* and *33 Ejsdem, cap. 31.* Yet it is often used in our Statutes for several parts of the Realm; and sometimes for a County.—In *Placito Agnetis que fuit uxor Radulphi de Butiller versus Priorem de Repinden, pro terra in Pikinton*, Prior dicit quod nulla villa est in Provincia illa, que sic vocatur. *Placit. de Juratis & Affisis apud Derby. Pasch. 53 Hen. 3. Rot. 2.*

**Provincial**, (*Provincialis*.) Is a chief Governor of a Religious Order, as of Friars, &c. *Anno 4 Hen. 4. cap. 17.*

**Provision**, (*Provisio*.) Is used with us, as it is in the Canon-Law, for the providing a Bishop, or any other person with an Ecclesiastical Living, by the Pope, before the Incumbent be

dead. It is also called *Gratia expectativa*, or *Mandatum de providendo*. The great abuse whereof through all Christendom heretofore, you may read not only in *Duarenus de sacris Ecclesie Ministeriis & Beneficiis, lib. 3. cap. 2.* But also particularly in *England*, mentioned in divers of our Statutes, viz. *35 Edw. 3. cap. 22. stat. 4. & 5.* commonly called the Stat. *De Provisionibus*, & *27 & 38 Ejsdem, stat. 2. Anno 2 Rich. 2. cap. 7. & 3 Ejsdem, cap. 3. & 7 Ejsdem, cap. 12. Anno 2 Hen. 4. cap. 3. & 4. & Anno 3 Hen. 5. cap. 4.* See *Premunire*.

**Proviso**, Is generally taken for him that hath the care of providing things necessary; a Purveyor; but more especially in our Statutes it signifies one that sued to the Court of Rome for a Provision, (which *Vide supra*.) *Old Nat. Br. fol. 143.* who were prohibited by Proclamation; *42 Hen. 3. Anno 1258. Holl. pag. 259. b. 18.* *Provisores dicuntur, qui vel Episcopatum vel Ecclesiasticam aliam Dignitatem in Romana Curia sibi ambiebant de futuro, quod ex gratia expectativa nuncuparunt, quia usque dum vacaret expectandum esset. Spel.*

**Proviso**, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depends; it sometimes signifies a Covenant. *Cokes 2 Rep. Lord Cromwells Case.* It hath also another signification in matters Judicial; as if the Plaintiff or Demandant be slow or desist in prosecuting an Action, by not bringing it to a Tryal, the Defendant or Tenant may take out the *Venire Facias* to the Sheriff, which hath in it these words, *Proviso quod*—To this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall Summon but one Jury upon them both. In which case, we call it, bringing down the Record, or going to Tryal, by *Proviso*. See *Old Nat. Br. fol. 159.* In *Nisi Prius*.

**Provost-Marshal**, An Officer in the Kings Navy, who hath charge of the Prisoners taken at Sea. *Anno 13 Car. 2. cap. 9. art. 30.* And is sometimes used for a like purpose at Land, as to seize or arrest any within the Jurisdiction of his Place or Office.

**Prorege**. See *Senega*. *Quere*, If it be not the payment of *Proxies* or *Procurations*.

**Prioris**, (*Sir John Davies Rep. fol. 4.*) Are yearly payments made by Parish Priests to their Bishop or Archdeacon, *Ratione Visitationis*. See *Procurations*, and the Case *Inter Regem & Sir Ambros. Forth, 2 Jac.* in the Exchequer.

**Pryk**, Seems to signifie an old-fashioned Spur, with one point, not a Rowel.—*Nich. Filius & Heres Nich. de Longforde Chivalier, tenet quatuor Messuagia, 40 Acres terre, decem Acres prati & lx s. redditus cum pertinentiis in Kinwaldmerth, de Rege in Capite, per servitium inveniendi unum equum, unum saccum, & unum Pryk in guerra Wallie, quandocunque contigerit Regem ibi guer-rare. Mich. Fines 1 Rich. 2. Derb. fol. 204.*

I find in *Hen. 8.* time, Light Horsemen in War were called *Prickers*, because they used such Spurs or *Prykes* to make their Horses go with Speed; And to this day Horsemen say, *Prick on*, when they would have one ride faster.

**Publick Faith,** (*Fides Publica*) *Anno 17 Car. 1. ca. 18.* Was a rebellious Cheat, to raise Money of the seduced People, upon the Publick Faith of the Nation, to make a wicked and causeless War against a most Religious and Gracious Sovereign, which began in or about the Year 1642.

**Pucelage** (*Pucellagium*, Fr. *Pucelage*) Virginity, Maidenhead. — *Quod tenuit eam dum idem B. abstulit Pucellagium suum, vel quod concubuit cum ea.* *Bracton, lib. 3. tract. 2. cap. 28. num. 2, 3, & 5.* In an ancient MS. I find it written *Puellagium*. In *placito pro Raptu, sic continetur* — *quod ipsam de Puellagio suo felonice, & totaliter defloravit.* *Inter Plac. Mich. 19 Edw. 3. London 159.*

**Pudhepec** (*Sax.*) — *Si. Pudhepec* (i. nemoris caesio) *Parvo Regis vel Forestae fiat, xx mancae emendetur, nisi Propositio propensior amplius exigat.* *LL. Hen. 1. cap. 38.* But the Learned *Spelman* believes it to be false written, for the Saxon *puþepec*, i. *Wudhepec*, the W. in that Character being like the P. in ours.

**Pudzeld** (*Coke on Littl. fol. 233.*) The same with *Woodgeld*; for it seems to be a mistake of the Saxon *puþeld*.

**Puisne** (*Fr. Puisné*) Younger, Puny, born after. See *Mulier*.

**Pultererus** — *Rex Majori & vic. London. salutem. Quia accepimus quod Pistores, Tabernarii, Molendinarii, Cocci, Pulterii, Piscenarii, Carnifices, Braciatores, Bladarii & alii de diversis Officiis & Mysteriis, &c.* *Pat. 1. Ed. 3. pars 3. m. 13.* Seems to signify a Poulterer.

**Pundbrech**, (A Sax. *Pund*, i. *Parvus* & *bpech*, i. *fractura*) *Si Pundbrech* (i. *Fractura Parci*) *fiat in Curia Regis plena Wyta sit; alibi quinque mancae.* *LL. Hen. 1. cap. 40.* It is the illegal taking of Cattle out of the *Pound*, either by breaking the *Pound*, picking the Lock, or otherwise.

**Purchas** (*Purchacia*) from the *Fr. Pourchasser*) Is to buy Lands or Tenements with ones Money, or otherwise gain them by ones Industry, contradistinguished from that which comes to one by descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexiae fundator Cenebii Sancti Jacobi Waldensis in Charta prima* — *Contuli, &c. omnes Ecclesias inferius annotatas, tam de Dominio meo, quam de empris & Purchasiis, &c. Joined Purchas* (*conjunctum perquisitum.*) *Reg. of Writs, fol. 143. b.* Is where two persons or more joyn in the Purchase of Lands.

**Purples of a Womens Gown** (from the *Fr. Pourfiler*, *Anno 33. Hen. 8. cap. 5.*) A sort of trimming for Womens Gowns, then in use; it was interwoven with Tinsel, or Gold-Thred, or Lace, and was also called *Baudkin-work*. So

*Cam. stir. Ireland*, speaks of a *Mantle* or *Shag-rug*, with a deep fringed *Purple*.

**Purgation** (*Purgatio*) Is the clearing ones self of a Crime, whereof he is probably and publicly suspected, and thereof accused before a Judge. Of this there was great use in England, touching matter of Felony imputed to Clerks in former times, as appears by *Stamf. Pl. Cor. lib. 2. cap. 48.* and *Westm. 1. cap. 2.* See *Clergie*. It is still observed in matters pertaining to the Ecclesiastical Court, as Suspicion or common fame of incontinency, or such like.

*Purgation* is either *Canonical* or *Vulgar*: *Canonical*, is that which is prescribed by the Canon Law; the form whereof is usual in the Spiritual Court, the person suspected taking his Oath, That he is clear of the Fact objected; and bringing so many of his honest Neighbors, not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, that he swears truly: The *Vulgar*, and ancient, manner was by Fire, or Water, or by combat, used by Infidels and Christians also, till by the Canon Law it was abolished. But *Combat*, though now disused, may be still practised by the Laws of the Realm, in Cases doubtful, and where there is a want of evidence, or other proof, if the Defendant chuse rather the Combat, than other tryal. See *Ordel* and *Combat*.

**Purificatio Beatae Mariae Virginis.** (*Anno 32 Hen. 8. cap. 21.*) See *Candemasi*.

**Purlue** or **Purlieu** (From the *Fr. Pur*, i. *Purus*, & *lieu*, *locus*) Is all that Ground near any Forest, which being made Forest by Henry the Second, Richard the First, or King John, was, by *Perambulation* granted by Henry the Third, severed again from the same, and became *Purlue*, i. Pure and free from the Laws and Ordinances of the Forest. *Munwood, par. 2. Fer. Laws, cap. 20.* See the *Stat. 33 Edw. 1. stat. 5.* And the *Perambulation* whereby the *Purlieu* is Deafforested, is called *Pourallee*, i. *Perambulatio*. 4 *Inst. fol. 303.*

**Purlieu-man**, Is he that hath Ground within the *Purlieu*, and being able to dispend forty shillings per annum of Freehold, is licensed to hunt in his own *Purlieu*. *Manwood, part 1. pa. 151. 157.* but, what observations he must use in his Hunting, see more in him, *pa. 180.* and *par. 2. ca. 20. Num. 5. 8, 9.*

**Purpresture**, (From the *Fr. Pourprest* and *Pourprest*, i. *Integre arreptum*) *est proprie terrae alienae clandestina substractio, ejusdemque vicine ascriptio.* See *Pourpresture*.

**Purprisum**, (*Fr. Pourpris*) A Close, or Enclosure; also the whole compass or extent of a Mannor or Place. — *Donavi eis meum Purprisum de Kirkeham & domos meas & molendinum & prata, &c.* *Carta Walteri Espec. Priorat. de Kirkeham. in Mon. Angl. 2 Pa. fo. 106. n. 40.*

**Purrel**, (*Anno 35 Eliz. ca. 10.*) A List ordained to be made at the end of *Kersies*, to prevent deceit in diminishing their length.



P U

Q U

**Purly**, (*Anno 43 Eliz. ca. 10.*) A Term among Clothiers. See *Rewey*.

**Purpuitam**. See *Poursuivant*.

**Purveyance**. See *Pourveyance*.

**Purview**, (*Fr. Pourveu*, A Patent, Gift, Grant) Sir Edward Coke often uses it in his Works (how properly I know not) for the Body, or that part of an Act of Parliament which begins with *Be it Enacted* — *The Stat. of 3 Hen. 7. stands upon a Preamble and a Purview*, 12 Rep. fo. 20. and 2 Inst. fo. 403.

**Putage**, (*Putagium*) *Fornicatio ex parte femine: quasi putam agere*, a Gall. Putte, i. Meretrix. — *Quod autem generaliter solet dici, Putagium hereditatem non adimit; illud intelligendum est de putagio Matris; quia filius hæres legitimus est, quem nuptiæ demonstrant.* *Glanv. l. 7. ca. 12.*

**Putura**, (*q. Potura*) A Custom claimed by Keepers in Forests, and sometimes by Bayliffs of Hundreds, to take Mans-meat, Horse-meat, and Dogs-meat of the Tenants and Inhabitants *gratis*, within the perambulation of the Forest, Hundred, &c. This Custom within the liberty of *Knaresburg* was long since turned into the payment of 4 d. *pro Putura*. *MS. de temp. Ed. 3. Pl. Coron. in Com. Ebor. de Anno 21 Ed. 1. Rot. 21. Putura in Chasia de Bowland. 4 Inst. 307.*

*Per Puturam servient. Johannes Stanley Ar. clamat habere de quolibet tenente, aliquam terram vocatam Duld Organg Lands possidente, quolibet sexta Septimana victum, prout Paterfamilias residens super hujusmodi terram habuerit. Pl. in Itin. apud Cestriam 14 Hen. 7. And the Land subject to this Custom, is called Terra puturata. Pla. apud Cestr. 31 Ed. 3. In the North of England, Putura Seriantia was anciently called Seriant floyd. — Quils soient quites de la Poture, & de les choses que les Foresters leur demandant, &c. Ord. Forestæ. 33. Ed. 1. The Learned Somner in his Gloss. upon x Scriptores err'd in his exposition of this word. Bernardus non videt omnia.*

*Placita apud Preston 17 Edw. 3. coram Willielmo de Sharethull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pake-man, & Rogero de Hillary.*

**Johannes de Radecliffe**, *Seneschallus libertatis de Penwortham attachiatus fuit ad respondendum Abbati de Evesham de placito, &c. Johannes clamat unam Puturam in Prioratu de Penwortham, qui est quædam Cella Abbatie de Evesham, pro se & Ministris, equis & garcionibus suis, per unum diem & duas noctes, de tribus septimanis in tres septimanas, viz. de victualibus, ut in esculentis, & poculentis, ad custus Prioratus prædicti, indebite.*

*Rog. de Wellesburne tenet medietatem unius hide terre in Tachebroke — & veniet ad magnam precariam in Autumno cum omnibus messoribus suis ad Puturam Dominibus in die — E. Codice quodam, nuncupato, The Black Book of Lichfield.*

**Ppyker** alias **Ppyrar**, A kind of small Ship or

Herring-boat, mentioned *Anno 31 Ed. 3. Stat. 2. ca. 2.*

**Ppyrate**. See *Pirate*.

Q.

**Quadragesima Sunday**, Is the first Sunday in *Lent*, and so called, because it is about the fortieth day before Easter. See *Quinquagesima*.

**Quadrantata terra**. See *Fardingdeal*.

**Quadrugata terra**, A Teem Land; *Que quatuor equis agitur. — Willielmus Prior de Tutrebur. & omnes Monachi ejusdem loci concesserunt Ormo de Aconere & heredibus suis unam Quadrugatam terræ que attinet ad Man. de Marlesfeld solam & quietam sicut tenuit in diebus Henr. de Ferr. &c. pro octo sol. redd. per ann. ad Festum S. Martini, &c. Sine dat. M S. Will. Dugdale Ar.*

**Quæ plura**, was a Writ, that lay where an Inquisition had been made by an Elcheator, of such Lands or Tenements, as any man died seized of, and all was supposed not to be found by the Office; this was therefore to enquire *what more* Lands or Tenements the party died seized of. The form see in *Reg. of Writs*, fo. 293. and in *Fitz. Nat. Br. fo. 255*. This Writ is now made useles by taking away the Court of Wards and Offices *post mortem*. *Anno 12. Car. 2. ca. 24.*

**Quærens non invenit plegium**, Is a Return made by the Sheriff, upon a Writ directed to him, with this Condition inserted. *Si A. fecerit B. securum de clamore suo prosequendo, &c. Fitz. Nat. Br. fo. 38.*

**Quæ respicit**, Is a Writ. See *Per que servitia*.

**Quam diu se bene gesserit**, Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the *Exchequer*; which must be intended in matters concerning their Office; and is no more than the Law would have imply'd, if the Office had been granted for Life. 4 Inst. fo. 117.

**Quale jus**, Was a Writ Judicial, that lay, where a Man of Religion had Judgment to recover Land, before Execution was made of the Judgment; for this Writ did go forth to the Elcheator, between Judgment and Execution, to enquire whether the Religious person had right to recover, or whether the Judgment were obtained by Collusion between the Demandant and Tenant, to the intent that the true Lord were not defrauded. See *Westm. 2. ca. 32*. The form of it see in *Reg. of Writs Judic. fo. 8. 16.* and *New Book of Entries*.

**Quantum meruit**, i. How much he has deserved; an Action of the Case so called, grounded upon a promise to pay a Man for doing any thing so much as he should deserve *ormerit*.

**Quarantena**. See *Quarentene*.

**Quare ejetit infra terminum**, Is a Writ that lies for a Lessee, in case where he is cast out of his Farm, before his term be expired, against the Feoffee or Lessor that ejects him; And it differs from the *Ejectione firme*; because this lies where the Lessor, after the Lease made, encloses

enfeoffs another, who ejects the Lessee; the *Ejectione firme* lies against any other stranger that ejects him. The effect of both is all one, which is, to recover the residue of the term. See *Fitz. Nat. Br. fo. 197.* and *Reg. of Writs, fo. 227.*

**Quare impedit.** Is a Writ that lies for him, who has purchased an *Advowzen*, against him that disturbs him in the right of his *Advowzen*, by presenting a Clerk thereto, when the Church is void. And it differs from the Writ called *Affisa ultima Presentationis*, because that lies, where a Man or his Ancestors formerly presented; and this for him that is the purchaser himself. Where a man may have that *Affise*, he may have this *Writ*, but not contrariwise. See new Book of Entries on this Writ, *Bracton, lib. 4. Tract. 2. ca. 6. Fitz. Nat. Br. fo. 32.* and *Wilm. 2. ca. 5.*

**Quare incumbit.** Is a Writ that lies against the Bishop, who, within six Months after the vacation of a Benefice, confers it on his Clerk, whilst two others are contending in Law, for the right of presenting. *Old Nat. Br. fo. 30. Fitz. Nat. Br. fo. 48.* and *Reg. of Writs, fo. 32.*

**Quare intrusit matrimonio non satisfacto.** Is a Writ that lay for the Lord against his Tenant, being his Ward, who, after convenable Marriage offer'd him, Marries another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away, (by *Stat. 12. Car. 2. ca. 24.*) This Writ is become useless.

**Quare non permittit.** Is a Writ that lies for one, that has right to present for a turn against the Proprietary. *Fleta, lib. 5. ca. 16.*

**Quare non admittit.** Is a Writ that lies against the Bishop, refusing to admit his Clerk, who has recover'd in a Plea of *Advowzen*, *Fitz. Nat. Br. fo. 47.*

**Quarentena habenda.** Is a Writ that lies for a Widow to enjoy her *Quarentene*, *Reg. of Writs, fo. 175.*

**Quarentene.** (*Quarentena*.) Is a benefit allow'd by the Law to the Widow of a Landed Man deceased, whereby she may challenge to continue in his capital Messuage, or chief Mansion-House, (so it be not a Castle) by the space of 40 days after his decease. *Br. lib. 2. ca. 40.* And, if the Heir, or any other attempt to eject her, she may have the Writ de *Quarentena habenda*, *Fitz. Nat. Br. fo. 161.* *Maneat* (*Vidua*) in *Capitali Messuagio mariti sui per Quadraginta dies post obitum mariti sui, infra quos dies assignetur ei Dos, nisi prius assignata fuerit, vel, nisi domus illa sit Castrum.* *Mag. Carta ca. 7.* — See *Fleta, lib. 5. ca. 23.* and *Spelman in verbo Leuca.*

*Quarentene* Signifies also a quantity of ground containing 40 Perches, — *quatuor carueat. terre arabilis, continentes in longitudine 8 quarentenas, & 8 quarentenas in latitudine.* *Chart. Willelmi Regis Merciorum apud Ingulf.* — *Nam longe debet esse pax Regis a porta sua ubi residens fuerit a quatuor partibus loci illius, hoc est quatuor miliaria, & tres quarentene, & novem acra lati-*

*tudine, & 9 pedes, & 9 palmæ & novem grana vtriusque.* *LL. Hen. 1. ca. 16.* *Quarentena in London ponitur pro respectu habendi per 40 dies post summationem per breve Regis, ut consulat, &c. si sibi viderint expedire.* *MS. de temp. Ed. 3.* per *Johannem Trevor Arm.* And *Quarentene* is also the Term of 40 days, wherein any person, coming from Foreign Parts infected with the Plague, is not permitted to land, or come on shore, until so many days are expired.

**Quare obstruit.** Is a Writ that lies for him who, having a liberty to pass through his neighbours ground, cannot enjoy his right, for that the owner has so strengthened it. *Fleta, lib. 4. ca. 26. Sect. Item si minus.*

**Quarel.** (*Querela a querendo*) This properly concerns personal Actions, or mixt at the highest, for the Plaintiff in them is called *Quarrelor*, and, in Declarations in trespasss it is said *quarrelor*. Yet, if a Man release all *Quarrels*, or *querels* (a Mans Deed being taken most strongly against himself) it is as strong as all Actions; for, by it all Actions real and personal are released.

**Quarecia & Quarera.** A Quarry of Stone. — *Præterea dedi eis Turbariam, & Petrariam & Quareriam, ubicunque invenire poterint in territorio ville de Hepp, &c.* *Mon. Ang. Par. 2. fo. 593. b.* — *in toto illo bosco cum Quarera in illo contenta, una cum quadam placea bosci, que vocatur* — *Reg. Prior. de Wormesly. fo. 43.*

**Quarter.** — Eight Bushels striked make the Quarter of Corn. *Anno 15 Rich. 2. ca. 4.*

**Quarter Sessions.** Is a Court held by the Justices of Peace in every County once every Quarter of a Year, 25 *Edw. 3. Stat. 1. ca. 8.* How far the Jurisdiction thereof extends, see *Lamb. Eiren. lib. 4.* and *Sir Tho. Smith de Repub. Angl. lib. 2. ca. 19.* Originally it seems to have been erected only for matters touching the breach of the Peace; but now it extends much farther, by Power given to the Justices of Peace by many late Statutes.

**Quash.** (*Quassare. Fr. Casser. i. rumpere*) To overthrow or annul. *Bracton. lib. 5. Tract. 2. ca. 3. num. 4. Anno 11. Hen. 6. ca. 2.* As, if the Bailiff of a Liberty return any out of his Franchise, the Array shall be quashed; as an Array, returned by one that has no Franchise, shall be quashed. *Coke on Lit. fo. 156.*

**Quasi modo Sunday.** *Carta Gilberti Abbatis de Eynsham Priori de Shireburn, dat. Paschidie Festi Quasi modo geniti, Anno 1255.* 1. Low Sunday, or Low Easter Sunday; anciently so called, from the first words of the Introit of the Mass for that day. These three words were in old Deeds, often signified by these abbreviations *q. m. g.*

**Queethord.** (*Anno 17 Edw. 4. ca. 3.*) A kind of Game, prohibited by the said Statute: perhaps the same we now call *Shovelbord*.

**Que est mesine.** (*Signifying verbatim, which is the same thing*) Is used with us, as a word of Art, in an Action of Trespas or such like, for a direct Justification of the very act complained of by the Plaintiff, as a wrong. For example,



in an Action of the Case, the Plaintiff says the Lord threatned his Tenants at will in such sort, as he forced them to give up their Lands. The Lord, for his defence pleads, that he said unto them, if they would not depart, he would sue them at Law: This being the same threatning that he used, or, to speak artificially, *que est le mesme*, the Defence is good. See *Kitchin, in Cha. que est le mesme*, fo. 236.

**Que tūa**, Signifies verbatim, which Estate, or the same Estate; and is a Plea, whereby a Man, entituling another to Land, &c. saith, that the same Estate himself had, he has from him; for example, in a *Quare impedit*, the Plaintiff alleageth, that such four persons were seized of Lands, whereunto the Advowson in question was appendant in Fee, and did present to the Church, and afterwards the Church was void, *que estate* --- that is, *which estate* of the four persons he has now during the vacation, by virtue whereof he presented, &c. *Broke tit. que estate*, fo. 175. and see *Coke on Litt. fo. 121*.

**Queen (Regina)** Is either she that holds the Crown of this Realm by Right of Blood, or she that is Married to the King, which last is called *Queen Consort*. In the former signification, she is in all construction the same that the King is, and has the same power in all respects: In the later, she is inferior, and a person exempt from the King; for, she may sue, and be sued in her own name: yet, what she hath is the Kings, and what she loseth the King loseth. *Stamf. Prærog. ca. 2. fo. 10. and Coke, lib. 4. Copyhold Cases, fo. 23. b.*

**Queen gold, (Aurum Regina)** Is a Royal Duty, or Revenue belonging to every *Queen Consort*, during her Marriage to the King of England, both by Law, Custom, and Prescription, payable by sundry persons in England and Ireland (upon divers Grants of the King) by way of Fine or Oblation, amounting to Ten Marks or upwards; to wit, one full tenth part above the entire Fine, as Ten pounds for every Hundred pounds Fine, upon Pardons, Contracts, or Agreements; which becomes a real Debt and Duty to the *Queen*, by the name of *Aurum Regina*, upon the Parties bare agreement with the King for his Fine, and recording it, without any promise or contract, for this tenth part exceeding it. *Lit. Nig. Scac. pa. 43. 44. Cokes 12. Rep. fo. 21, 22. and Pryns Treatise on this subject per tot.*

**Quem redditum reddat**, Is a Writ Judicial, lying for him to whom a Rent-Seck, or Rent-Charge is granted, by Fine levied in the Kings Court, against the Tenant of the Land, that refuseth to attorn to him, thereby to cause him to attorn. *Old Nat. Br. fo. 156.*

**Querela freſcæ forſitæ**, Is a Writ. See *Frefſforce*.

**Querela coram Rege & Conſilio**, &c. Is a Writ, whereby one is called to juſtifie a complaint of a Treſpaſs made to the King himſelf, before the King and his Council, *Reg. of Writs, fo. 124.*

**Queſtus eſt nobis**, &c. Is the form of a

Writ of Nuſance, which, by the Stat. *Anno 13 Edw. 1. ca. 24.* lies againſt him to whom the Houſe or other thing that breeds the Nuſance is alienated; whereas before the Statute this Action lay only againſt him that firſt levied, or cauſed the Nuſance to the damage of his Neighbor.

**Qua impvide**, Seems to be a *Superſedeas* granted in the behalf of a Clerk of the Chancery, ſued againſt the privilege of that Court, in the Common-Pleas, and purſued to the *Exigend*, or in many other caſes, where a Writ is erroneouſly ſued out, or miſawarded. See *Dyer, fo. 33. n. 18.*

**Quid juris clamat**, Is a Writ Judicial, iſſuing out of the Record of a Fine, which remains with the *Cuſtos Brevium* of the Common-Pleas before it be engroſſed, (for after, it cannot be had) and it lies for the Grantee of a reversion or remainder, when the particular Tenant will not attorn. *Wiſt, par. 2. Symbol. tit. Fines. Sect. 118.* See *New Book of Entries*, on this Writ.

**Quid pro quo**, Is an artificial Speech, ſignifying as much as the Greek *ὀδὸν ἀγῶνα* among the *Civilians*, which is a mutual performance of both parties to a Contract, or a giving one thing for another, as 10 l. for a Horſe, *Kitchin fo. 184.*

**Quietancia ſecæ Hundredi & Wichmore** — Per hæc verba *Johannes Stanley Arm. clamat* quod ipſe & tenentes ſui non teneantur venire ad Curiam iſtam. Pl. in Itin. apud Ceſtriam 14 Hen. 7. See *Acquietancia*.

**Quietancia Aſſisacum ſuper Aſſisam** — Per hæc verba *Johannes Stanley clamat*, quod ipſe, & tenentes & reſidentes ſui non ponantur in Aſſis jurat. nec magnis Aſſis. Plac. ut ſupra.

**Quietus**, (Freed or acquitted) Is a word uſed by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Diſcharges given to Accountants; uſually concluding with *abinde reſceſſit quietus*, which is called a *Quietus eſt*, and is mentioned in the Act of General Pardon, 12 Car. 2. ca. 11., and 14 Car. 2. ca. 21. A *Quietus eſt* granted to the Sheriff, ſhall diſcharge him of all Accounts due to the King, *Anno 21. Jac. ca. 5.*

**Quinquageſima Sunday**, Is that we call *Shrove-Sunday*, and is ſo called, becauſe it is about the *Fiftieth day* before Eaſter; of which you may read in *Durandi Rationali Divinorum*, cap. de *Quinquageſima*, and mentioned in *Briton*, and other ancient Law-writers.

**Quinque portus**, The Cinque-ports, which are, 1. *Haſtings*, 2. *Romene*, 3. *Heſbe*, 4. *Dover*, and 5. *Sandwich*. To the firſt, *Wincheſſea* and *Re* belong, which are reckoned as part, or members of the Cinque-ports. — *Servitium quod Barones Quinque Portuum præſcriptorum recognoſcunt facere ad ſummonitionem Regis per annum, ſi contigerit per 15 dies ad cuſtum eorum proprium; ita quod primus dies computatur a die quo vela navium erexerunt, iſque partes ad quas tendere debent, vel ulterius quamdiu Rex voluerit ad cuſtum ejus.* See *Cinque-Ports*.

**Quinſieme**

**Quinzieme** or **Quinzime**, (*Decima Quinta*,) Is a French word signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the Fifteenth part of Mens Lands or Goods. *Anno 10 Rich. 2. cap. 1. and 7 Hen. 7. cap. 5.* See *Fifteenth* and *Tax*. It is well known by the *Exchequer Roll*, what every Town throughout England is to pay for a *Fifteenth*. Sometime this word *Quinzieme* or *Quinzime* is used for the Fifteenth day after any Feast, as the *Quinzime* of St. John Baptist. *Anno 13 Edw. 1. in the Preamble.*

**Quintus**, (*Anno 31 Eliz. cap. 3.*) *Quinto exactus*, Is the last Call of a Defendant, who is sued to the Outlawry, when, if he appear not, he is, by the Judgment of the Coroners, returned outlawed; if a Feme, waved. See *Exigent*.

**Quinzime**. See *Quinzieme*.

**Quiteclaim**, (*Quita clamantia*,) Is a Release, or Acquitting a Man for any Action, that he hath or may have: A quitting ones Claim or Title. *Bracton, lib. 5. tract. 5. cap. 9. num. 9. and lib. 4. tract. 6. cap. 13. num. 1.*

**Quit-rent**, (*Quietus Redditus*,) *Quasi, Quiet-rent*, Is a certain small Rent, payably yearly by the Tenants of most Mannors, in token of Subjection, which, when paid, the Tenant is quiet and free, till it becomes due again. This, in some ancient Records, is written *White-rent*; because paid in Silver, to distinguish it from Rent-corn, Rent-pepper, &c. *2 Inst. fol. 19.*

**Quod ei Deforceat**, Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Life, against him that entred or took away their Land recovered, or against his Heir. See *Brook hoc tit. Reg. of Writs, fol. 171. and Westminster. 2. cap. 4.*

**Quod Clerici non eligantur in Officio Ballivi**, &c. Is a Writ that lies for a Clerk, who, by reason of some Land he hath, is made, or like to be made, either Bailiff, Bedle, or Reeve, or some such like Officer. See *Clerico infra Sacros*, &c. And *Regist. of Writs, fol. 187.*

**Quod permittat**, Is a Writ that lies for the Heir of him that is disseised of his Common of Pasture, against the Heir of the Disseisor, being dead. *Britton (cap. 8.)* says, This Writ lies for him, whose Ancestor died seised of Common of Pasture, or other like thing annexed to his Inheritance, against the Deforceor. See *Brook hoc tit. and New Book of Entries.*

**Quod Clerici beneficiarii de Cancellaria**, Is a Writ to exempt a Clerk of the Chancery, from contributing towards the Proctors of the Clergy in Parliament. *Regist. of Writs, fol. 261. a.*

**Quod persona nec Prebendarii**, &c. Is a Writ that lies for Spiritual Persons, that are distrained in their Spiritual Possessions, for the payment of a Fifteenth, with the rest of the Parish. *Fitz. Nat. Br. fol. 176.*

**Quod non permittat**. See *Consuetudinibus & Servitiis*.

**Quo iure**, Is a Writ that lies for him, who hath Land, wherein another challengeth Common of Pasture, time out of mind; and it is to compel him to shew by what Title he so challenges it. *Fitz. Nat. Br. fol. 128. and Britton, cap. 59. at large.*

**Quo minus**, Is a Writ that lies for him, who hath a grant of House-bote and Hay-bote, in another Man's Wood, against the Grantor, making such Waste, as the Grantee cannot enjoy his Grant. *Old Nat. Br. fol. 148. and Kitchin, fol. 178.* This Writ also lieth for the King's Farmer in the *Exchequer*, against him to whom he sells any thing by way of Bargain, touching his Farm, or who oweth him any Money, or against whom he hath any cause of Personal Action. *Perkins, Grants 5.* For he supposeth, by the Vendees detaining any due from him, he is made less able to pay the King Rent. Under which pretence, any one, who pays the King a Fee-farm Rent, may have this Writ against any other Person for any Debt, or Damage, and bring the Cause to Tryal in the *Exchequer*.

**Quo Warranto**, Is a Writ that lies against him, who usurps any Franchise or Liberty against the King, as to have Waif, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title. *Old Nat. Br. fol. 149.* Or else against him that intrudes himself as Heir into Land. *Bracton, lib. 4. tract. 1. cap. 2. num. 3. And 18 Edw. 1. Stat. 2 & 3. And 30 ejusdem.* See also the *New Book of Entries*.

**Quorum**, Is a word often mentioned in our Statutes, and much used in Commissions, both of the Peace, and others; and so called from the Words in the Commission, *Quorum A. B. unum esse volumus*. As, where a Commission is directed to five Persons, or to any three of them, whereof A. B. and C. D. to be two, in this Case A. B. and C. D. are said to be of the *Quorum*, because the rest cannot proceed without them. *Anno 3 Hen. 7. cap. 3. And 32 Hen. 8. cap. 43.*

**Quorum nomina**, In the Reign of Hen. 6. the King's Collectors and other Accountants were much troubled, in passing their Accompts, by new extorted Fees, and forced to procure a late invented Writ of *Quorum nomina* for Allowance of the Barons of the *Cinque Ports*, and their suing out their *Quietus* at their own charge, without Allowance from the King. *Chron. Anglie.*

**Quyke**, Was anciently used for a Live or Quick Beast. *John Bracebrige of Kinnerstury Esq;* in his Will, dated 7 Hen. 8. Ordained, *That his best Quyke should be taken in the name of his Mortuary.*



## R.

**R**achetum alias Rachatum, (from the Fr. *Rachater* or *Racheter*. i. Redimere.) Thiefbote, the Compensation or Redemption of a Thief. Nullus capiat Rachetum, hoc est Thiefbute, de Latrocinio. 1 Stat. Rob. R. Scot. cap. 9.

**Rack**, (Filicula, sic dict. quia eis rei in eculeo torquentur, ut fides inveniantur.) An Engin, in the Tower, with Cords, and Strings, to extort Confession from Delinquents. *John Holland*, Earl of *Huntingdon*, was, by King *Henry* the Sixth, created Duke of *Exeter*, Anno 16 Hen. 6. the King granted to him the Office of Constableness of the Tower; He and *William de la Poole*, Duke of *Suffolk*, and others, intended to have brought in the Civil Laws: For a beginning whereof, the Duke of *Exeter*, being Constable of the Tower, first brought into the Tower the Rack or Brake, allowed in many Cases by the Civil Law; and thereupon it was called *The Duke of Exeter's Daughter*, because he first brought it hither. 3 Inst. fol. 35.

**Rack-vintage**, (Anno 32 Hen. 8. cap. 14.) Is a second Vintage or Voyage made by our Merchants into France, &c. for Rack'd Wines, that is, Wines drawn from the Lees. From this Voyage, our Merchants commonly return about the end of December, or beginning of January.

**Rad Knights.** See *Red Knights*.

**Radechensires**, i. Liberi homines. *Domesday*, tit. *Leofminstre* (Lemster,) — *Hi erant* 8 *Præpositi*, & 8 *Bedelli*, 8 *Radechensires*, 238 *Villani*, & 75 *Bordarii*, &c. These were Liberi tenentes, qui arabant & hercebant ad Curiam Domini, seu falcabant aut mærebant. The same also were called *Sokemans* & *Sochemanni*. 1 Inst. fol. 5. b.

**Radman**, *Domesday*, tit. *Herefscire*. 15 *Bordarii*. *Præpositus* & unus *Radman*, &c. Seems to be the same with *Red-Knight*.

**Rageman**, Is a Statute so called, of Justices assigned by *Edward* the First and his Council, to hear and determine, throughout all England, all Complaints of Injuries done within five years next before *Michaelmas*, in the Fourth year of his Reign.

**Ragmans-roll**, (rectius *Ragimund's-Roll*.) So called from one *Ragimund*, a Legat in *Scotland*, who, calling before him all the Beneficed Persons in that Kingdom, caused them, upon Oath, to give in the true value of their Benefices, according to which they were after taxed in the Court of *Rome*. This Roll, among other Records, being taken from the Scots by our King *Edward* the First, was re-delivered to them in the beginning of *Edward* the Third's time. *Ragmans* and *Blanks* to be burnt. *Cott. Records*, fol. 364.

**Ran**, (Sax.) *Aperta Rapina*, so open a spoiling a Man, as it cannot be denied. Hove-

den, inter ea quæ *Willielmus* primus constituit in emendationem legum Angliæ, parte post. Hen. 2. — *Decretum* est etiam ibi, ut si *Francigena* appellaverit *Anglicum*, de perjurio, aut mûdro, furto, homicidio, &c., quod dicunt *apertam rapinam*, quod negari non potest, *Anglicus* se defendet per quod melius voluerit, aut iudicio ferri, aut duello. Consonant whereunto, it is, to this day, vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he cold *Rap* and *rân*; *Rap*, from *rapi* to snatch.

**Range**, (from the Fr. *Ranger*, i. To order, array, to dispose of,) Is used in the Forest Laws, both as a verb, (as to range,) and as a Substantive, (as to make range,) *Char. de Foresta*, cap. 6. The *Ranger* is a sworn Officer of the Forest, of which sort, there are Twelve, *idem*, cap. 7. whose Authority is partly described by his Oath, set down by *Manswood*, Par. 1. pag. 50. but more particularly, in Par. 2. cap. 20. num. 15, 16, & 17. His Office chiefly consists in these three Points, *Ad perambulandum quotidianè per terras deafforestatas, ad videndum, audiendum & inquirendum tam de malefactis, quam de malefactoribus in Bulliva sua; ad resigendum feras foreste tam Venetis quam Chasvie de terris deafforestatis factis, ad proximas Curias illius Foreste tentus.* This *Ranger* is made by the King's Letters Patent, and hath a Fee paid yearly out of the *Exchequer*, and certain Fee-Deer. *Ranger of Foresta de Whistwood*. Pat. 14. Rich. 2. m. 13.

**Ransom**, (Redemptio, Fr. *Rencon*.) Signifies properly the Sum paid for redeeming a Captive, or Prisoner of War, and sometimes a great Sum paid for the pardoning some heinous crime. Anno 1 Hen. 4. cap. 7. and 11 Hen. 6. cap. 11. When one is to make a Fine and *Ransom*, the *Ransom* shall be treble to the Fine. *Crompt. Just. of Peace*, fol. 142. a. And *Lamb. Eiren. lib. 4. cap. 16. pag. 556.* Horn (in his *Mirror of Justices*.) makes this difference between *Amerciament* and *Ransom*; that *Ransom* is the Redemption of a Corporal Punishment, due by Law to any Offence. *Lib. 3. cap. de Amerciamentum raxabile.* See *Coke on Littl. fol. 127. a.*

**Rape**, (*Rapus vel Rapa*.) Is a part of a County, signifying as much as a Hundred, and sometimes *Quedam partes in se continet Hundredos*: As all *Sussex* is divided into Six *Rapes* only, viz. The *Rape of Chichester*, *Arundel*, *Bromber*, *Lewis*, *Pevensey*, and *Hastings*; every of which, besides their Hundreds, hath a Castle, River, and Forest, belonging to it. *Cam. Brit. pag. 225. & 229.* These Parts are in other Counties called *Tithings*, *Lathes*, or *Wapentakes*. *Smith de Repub. Angl. lib. 2. cap. 16.*

**Rape**, (*Raptus*.) Is, when a Man hath Carnal Knowledge of a Woman by force, and against her Will: But if the Woman conceive, it is no Rape, for she cannot conceive unless the consent. *Coke on Littl. lib. 2. cap. 11. sect. 190.* This Offence is Felony in the Principal, and his Aiders.

# R A

Aiders. *Anno 13 Rich. 2. Stat. 2. cap. 1. 11 Hen. 4. cap. 13. — 1 Edw. 4. cap. 1. and Westminster. 2. cap. 13. and shall not be allowed Clergy. Anno 18 Eliz. cap. 7. But Fleta says, the complaint must be made within forty days, else the Woman may not be heard, Lib. 3. cap. 5. sect. Preterea. And Carnal Knowledge of a Woman under Ten years old is Felony. Anno 8 Eliz. cap. 6. Of the diversity of Rapes, see Crompton's Justices of Peace, fol. 43 & 44. The Offender is called Raptor, a Ravisher, and in Bracton's time he was punished with the loss of his Eyes and Stones, *Quia calorem stupri induxerunt.* 3 Inst. fol. 60.*

**Rape of the Forest,** (*Raptus Forestæ*,) Inter delicta numeratur, quorum cognitio ad unicuique Regem spectat. LL. Hen. 1. cap. 16. — *Violentus concubitus, Raptus Forestæ, Relevationes Baronum suorum.* &c. Trespass committed in the Forest by violence.

**Rapine,** (*Rapina*,) To take a thing secretly against the Owner's Will, is properly Theft; openly, or by violence, is Rapine. *Anno 14 Car. 2. cap. 22. and 18 ejusdem, cap. 3.*

**Raptu hæredis,** Is a Writ lying for the taking away an Heir, holding in Socage; of which there are two sorts, one, when the Heir is married; the other, when not. Of both see Reg. of Writs, fol. 163. b.

**Rale,** (*Rasarium*,) — *Toll shall be taken by the Rale, and not by the Heap or Cantel.* Ordinance for Bakers, Brewers, &c. cap. 4. it seems to have been a Measure of Corn, now disused *Et de uno Rasario frumenti in unoquoque mense ortolano, & ad natale Domini de uno Rasario Brasii de Hasshemalt, de ordeo & avena, & dimidium Rasarii de Gethmalt.* — Pat. 12 Edw. 3. p. 1. m. 4.

**Rare Tythe,** Is where Sheep or other Cattle are kept in a Parish for less time than a year, the Owner must pay Tythe for them *Pro rata*, according to the Custom of the place. Fitzb. Nat. Br. fol. 51. Brook, Distin. 25. *Pro rata dicimus pro proportionem, vel proportionaliter.* Lindwood.

**Ratification,** (*Ratificatio*,) A Ratifying or Confirming: It is particularly used for the Confirmation of a Clerk in a Prebend, &c. formerly given him by the Bishop, &c. where the Right of Patronage is doubted to be in the King. See Reg. of Writs, fol. 304.

**Rationabili parte bonorum,** Is a Writ that lies for the Wife, against the Executors of her Husband, denying her the Third Part of her Husbands Goods, after Debts and Funeral Charges paid. Fitzb. Nat. Br. fol. 222. who there cites the 18th Chapter of Magna Charta, and Glanville, to prove, that, according to the Common Law of England, the Goods of the deceased, his Debts first paid, should be divided into Three Parts, whereof his Wife to have One, his Children the Second, and the Executors the Third. And this Writ lies as well for the Children, as for the Wife; which appears also by the Reg. of Writs, fol. 142. b. Yet it

# R E

seems to have use, only where the Custom of the Countrey serves for it. See the New Book of Entries on this word.

**Rationabilibus divisis,** Is a Writ that lies where two Lords have the Seigneries joyning together, for him that finds his Waste encroached upon within the Memory of Man, against the Encroacher, thereby to rectifie the Bounds of their Seigneries; in which respect Fitzherbert calls it, in its own nature, a Writ of Right. The Old Nat. Br. says, this may be by Justices, which may be removed by a Pone out of the Country, to a Common Bench. See Fitzb. Nat. Br. fol. 128.

**Ravishment,** (*Raptus*, Fr. *Ravissement*, i. *Diraptio, raptio*,) Signifies an unlawful taking either a Woman, or an Heir in Ward. Sometimes it is also used in one Signification with Rape.

**Ray,** seems to be a word appropriated to Cloth never coloured or dy'd. *Anno 11 Hen. 4. cap. 6. Worsted's Ray. Anno 17 Rich. 2. cap. 3.*

**Rapth,** *Anno 6. Hen. 6.* A Motion was made in Parliament against a certain Trial in Wales, called a Rapth. 7.

**Reafforested,** Is where a Forest hath been disafforested, and again made Forest; as the Forest of Den by the Stat. 20 Car. 2. cap. 3.

**Realty,** Is an abstract of real, and is contradistinguished from Personalty.

**Reasonable Aid,** (*Rationabile auxilium*,) Was Duty, which the Lord of the Fee claimed of his Tenants holding in Knights Service, or in Socage, to marry his Daughter, or make his eldest Son a Knight. Westminster. 1. cap. 39. But see the Stat. 12 Car. 2. cap. 24.

**Reattachment,** (*Reattachamentum*,) Is a second Attachment of him, who was formerly attached, and dismiss'd the Court without day, as by the not coming of the Justices, or some such casualty. Brook, hoc titulo. Where he makes Reattachment General and Special. General is where a Man is reattached for his appearance upon all Writs of Assize lying against him. Brook eodem, num. 18. Then Special must be for one or more certain. Reg. of Writs Judicial, fol. 35. See the New Book of Entries, verbo, Reattachment.

**Rebellion,** (*Rebellio*,) Did anciently signifie a second resistance of such, as being formerly overcome in Battel by the Romans, yielded themselves to their subjection. But now we use it generally, for the traiterous taking Arms against the King, be it by natural Subjects, or by others formerly subdued. Rebel is sometimes attributed to him that wilfully breaks a Law. *Anno 25 Edw. 3. cap. 6. And 31 Ejusdem, Stat. 3. cap. 2.* Sometimes to a Villain disobeying his Lord. *An. 1 Rich. 2. cap. 6. Commission of Rebellion,* see in Commission.

**Rebellious Assembly,** Is a gathering together of Twelve Persons or more, intending, or going about, practising, or putting in ure, unlawfully, of their own Authority, to change any Law.



Laws or Statutes of the Realm, or to destroy the enclosure of any Park or Ground enclosed, or Banks of any Fish-ponds, Pool, or Conduit, to the intent the same shall remain void, or to the intent, unlawfully, to have Common, or Way in any of the said Grounds, or to destroy the Deer in any Park, or any Warren of Conneys, Dove-houses, Fish in any Ponds, or any House, Barns, Mills, or Bays, or to burn Stacks of Corn, or to abate Rents or Prices of Victuals. *Anno 1 Mar. cap. 12. and 1 Eliz. cap. 17. See West, par. 2. Symbol. tit. Indictments. Sect. 65. and Cromp. Justice of Peace, fol. 41. b.*

**Rebinandum.** *Noveritis me teneri per presens scriptum ad warendandum & Rebinandum cum semine meo proprio, tam cum semine yemali, quam cum semine quadagesimali totam terram arabilem R. B. &c. Carta Nic. Dubbe dat. 3 Edw. 3. penes Henr. Milburn Ann.*

**Rebutter,** (*Fr. Bouter, i. Repellere*, To repel or bar,) A Man grants Land to the use of himself, and the issue of his Body, to another in Fee with Warranty, and the Donee leaseth out the Land to a third Person for years, the Heir of the Donor impleads the Tenant, alledging the Land was in Tayl to him; The Donee comes in, and, by virtue of the Warranty made by the Donor, repels the Heir, because though the Land was intailed to him, yet he is Heir to the Warrantor likewise: This is called a *Rebutter*.

Again, if I grant to the Tenant to hold *sine imperissione vassii*, and afterward implead him for Waste made, he may debar me of this Action, by shewing my Grant; which is likewise a *Rebutter*. *Brook, tit. Bar. num. 23 & 25. See the New Book of Entries, verbo, Rebutter. And Coke on Littl. fol. 365. a.*

**Recaption,** (*Recaptio*,) Signifies a second Distress of one formerly distrained for the same Cause, and also during the Plea grounded on the former Distress. It likewise signifies a Writ, lying for the Party thus distrained, the form and further use whereof, see in *Fitzh. Nat. Br. fol. 71. Reg. of Writs, fol. 86. and Reg. Judicial, fol. 69.*

**Receiver,** (*Receptor and Receptor*,) Is used commonly in the evil part for such as receive stolen Goods from Thieves, and conceal them; but annexed to other words, as *Receiver of Rents*, &c. It signifies an Officer of good account, belonging to the King, or other great Personage. *Cromp. Jurisd. fol. 18. There is also an Officer called the Receiver of the Fines upon the original Writs in Chancery.*

**Receiver-General of the Dutchy of Lancaster,** Is an Officer belonging to the Dutchy Court, who gathers in all the Revenues and Fines of the Lands of the said Dutchy, and all Forfeitures and Assessments, or what else is thence to be received. *Anno 33 Eliz. cap. 7.*

**Receiver-General of the Quarter Rolls.** *Anno 35 Eliz. cap. 4.*

**Receit.** See *Resceit*.

**Recluse,** (*Reclusus*,) Is he who being entered into a Religious Order, is shut up there, and stirs not out of the House or Cloyster. *Littl. fol. 92.*

**Recognizance,** (*Fr. Reconnaissance, i. Recognitio*,) Is a Bond or Obligation, testifying the Recognizor to owe the Recognizee a Sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of Chancery, Justice of Peace, &c. *Anno 23 Hen. 8. cap. 6. Some Recognizances are not sealed, but enrolled; and Execution by force thereof, is of all the Recognizors Goods and Chattels, (except Draught-Beasts, and Implements of Husbandry,) and the Moyety of his Lands. West, Par. 1. Symb. lib. 2. sect. 149. And Reg. of Writs, fol. 146, 152, & 252.*

Recognizance hath another Signification, as appears in the Statute of *Westm. 1. cap. 36.* For it is there provided and agreed, That if any Man be attainted of Disseisin done in the time of the King that now is, or for taking any manner of Goods, or Moveables, and it be found against him by Recognizance of Assise of Novel-Disseisin, the Judgment shall be, &c. where it is used for the Verdict of the Twelve Men impanelled upon an Assise; which Twelve are also called Recognitors of the Assise. *Littl. fol. 72. Bracton lib. 5. tract. 2. cap. 9. num. 2. and lib. 3. tract. 1. cap. 11. num. 16. See the Statute of 20 Edw. 1. Stat. 4. and New Book of Entries, verbo Recognizance.*

**Recognizee,** Is he to whom one is bound in a Recognizance. *Anno 11 Hen. 6. cap. 10.*

**Recognition,** (*Recognitio*,) An Acknowledgement. It is the Title of the first Chapter of the Stat. 1. Jac. Whereby the Parliament acknowledged the Crown of England, after the Death of *Q. Eliz.* to have rightfully descended to King James.

**Recognitione annullanda per vim & ducticiem facta,** Is a Writ to the Justices of the Common Bench, for the sending a Record touching a Recognizance, which the Recognizor suggests to have been acknowledged by force and hard dealing; that, if it so appear, it may be disannulled. *Reg. of Writs, fol. 183.*

**Recognitors,** (*Recognitores*,) Is a word used for the Jury impanelled upon an Assise. The reason why they are so called is, because they acknowledge a Disseisin by their Verdict. *Bracton, lib. 5. tract. 2. cap. 9. num. 2. See Recognizance.*

**Record,** (*From Recordari, to remember*,) Signifies an authentical and uncontrollable testimony in writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be *Vetustatis & veritatis vestigia*. *Coke Pref. to 8 Rep.* An Act committed to writing in any of the Kings Courts, during the Term wherein it is written, is alterable and no Record; but that Term once ended, and the Act

Act duly enrolled, it is a *Record*, and of that credit, that admits no alteration or proof to the contrary. *Brook tit. Record, numb. 20. § 22.* yet see *Cokes Rep. lib. 4. Rawlin's Case, fol. 52. b.* The King may make a Court of *Record* by his Grant, *Glanville, lib. 8. cap. 8. Britton, cap. 121.* As Queen Elizabeth by Her Charter, dated 26 Aprilis, Anno 3 Regni sui, made the *Conistory Court* of the University of Cambridge, a Court of *Record*. There are reckoned three sorts of *Records*, viz. A *Record Judicial*, as Attainder, &c. A *Record Ministerial* upon Oath, as an Office or Inquisition found; a *Record* made by Conveyance and Consent, as a Fine or Deed enrolled, or the like. *Coke lib. 4. Ognel's Case, fol. 54. b.*

**Recordare facias**, or **recordari facias**, Is a Writ directed to the Sheriff, to remove a Cause, depending in an Inferior Court, as Court of Ancient Demesne, Hundred or County, to the Kings Bench or Common Pleas. *Fitz. Nat. Br. fol. 71. B. § C.* Where, and in what Cases this Writ lies, read *Brook, tit. Recordare § Pone*. It seems to be called a *Recordare*, because it commands the Sheriff, to whom it is directed, to make a *Record* of the proceedings by himself, and others, and then to send up the Cause. See the *Register, verbo, Recordare*, in the Table of Original Writs.

**Recorder (Recordator)** Is he, whom the Major, or other Magistrate of any City or Town Corporate, having Jurisdiction or a Court of *Record*, within their Precincts by the Kings Grant, does associate unto him, for his better direction in matters of Justice, and proceedings according to Law. And he is for the most part, a person well seen in the Common Law.

**Recordo and Processu mittendis**, Is a Writ to call a *Record*, together with the whole Proceedings in the Cause, out of an Inferior Court into the Kings Court. See the Table of the *Register of Writs*.

**Recordo utlagariae mittendo**, Is a Writ Judicial, which see in *Reg. Judic. fol. 32.*

**Recovery (Recuperatio, from the Fr. Recouvrer, i. Recuperare)** Signifies an obtaining any thing by Judgment or Tryal of Law, as *Evisio* does among the Civilians. But there is a *true Recovery*, and a *feigned*. The *true one* is an actual or real *Recovery* of any thing, or the value thereof by Verdict and Judgment. A *feigned Recovery* is a certain form or course set down by Law, to be observed for the better assuring Lands or Tenements unto us; the end and effect whereof is, to discontinue and destroy Estates in Remainder and Reversion, and to Bar the Intails thereof. And to this Formality, there are (in a *Recovery with single Voucher*) required three parties, the *Demandant*, the *Tenant*, and the *Vouchee*. The *Demandant*, is he that brings the *Writ of Entry*, and may be termed the *Recoverer*. The *Tenant* is he, against whom the Writ is brought, and may be called the *Recoveree*. The *Vouchee* is he, whom the

*Tenant Voucheth*, or calls to Warranty for the Land in demand. A *Recovery with double Voucher*, is, where the *Tenant* voucheth one, who Voucheth another, or the Common *Vouchee*; and a *Recovery with treble Vouchers*, is, where three are *Vouched*. See *West, par. 2. Symb. tit. Recoveries, fest. 1.*

But, to explain this Point: A man, that is desirous to cut off an Estate-tail in Lands or Tenements, to the end, to sell, give, or bequeath them, causeth (by the contrivance of his Counsel or Attorney) a feigned Writ of Entry, *Sur Disseisin in le Post*, to be brought for the Lands, of which he intends to dock the Intail; and, in a feigned Count or Declaration thereupon made, pretends he was disseised by him, who, by a feigned Fine or Deed of Bargain or Sale, is named and supposed to be Tenant of the Lands. This feigned Tenant, if it be a *single Recovery*, is made to appear and vouch the Bag-bearer of Writs, for the *Custos Brevium*, in the Court of *Common Pleas*, (in which Court only the said *Common Recoveries* are to be suffered) who makes default; whereupon a Judgment is, by such Fiction of Law, entred, That the *Demandant* shall recover, and have a *Writ of Seisin*, for the possession of the Lands demanded, and that the *Tenant* shall recover the value of the Lands, against the Lands of the *Vouchee*-Bag-bearer, a poor unlanded and illiterate person, which is feigned to be a satisfaction for the Heir in Tail, though he is never to have or expect it; one *Edward Howes*, a Bag-bearer, and Common *Vouchee*, having in the space of 25, or 30 years, passed or suffered to be recovered against him, by such fictitious Actions and Pleadings, a considerable part of the Lands of *England*, and obliged his own Lands, when he had none at all, to answer the value of the Lands, recovered against the Tenants or Remainders in Tail. This *feigned Recovery* is also called a *Common Recovery*; because it is a beaten and *Common Path* to that end, for which it is ordained; viz. To cut off the Estates above specified. See *New Book of Entries, verbo, Recovery*.

**Recoupe** (from the Fr. *Recouper, i. To cut again*; also to reply quickly and sharply to a peremptory Demand.) We use it to Default or Discount. As, if a Man hath Ten pound issuing out of certain Land, and he disseises the Tenant of the Land in an Assise brought by the Disseisee, the Disseisor shall *Recoupe* the Rent in the Damages.

**Recreant (Fr.)** Cowardly, faint-hearted. Hence *Recreantise*. See *Craven*.

**Reatus**, Accused, suspectus ad Reum vocatus, *De Thesauo invento debet Coronator inquirere qui fuerint inventores, § similiter quis inde reatus est. Officium Coronatoris erit.* Anno 3. Ed. 1. And *Bracton, lib. 3. uses Reatus pro accusatione*.

**Recto**, Is a Writ, called a *Writ of Right*, which is of so high an nature, that whereas other



Writs in Real Actions, are only to recover the possession of the Lands or Tenements in question, which have been lost by an Ancestor, or by the Party Demandant himself, this aims to recover both the Seisin, which some Ancestor or the Demandant himself had; and also the property of the thing, whereof the Ancestor died not seised, as of Fee, and whereby are pleaded and tried both their Rights together, viz. That of Possession and Property. And if a Man once lose his cause upon this Writ, either by Judgment, Assise or Battel, he is without remedy, and shall be excluded, *Per exceptionem rei judicate*, *Bracton*, lib. 5. tract. 1. cap. 1. & seq. where you may read much on this subject. See *Right*.

It hath two species: *Rectum Patens*, a Writ of Right Patent; and *Rectum Clausum*, a Writ of Right Close. The first is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and not for any other. And when it lies for him that challenges Fee-simple, and in what Cases, See *Fitz. Nat. Br. fol. 1. C.* whom see also, *fol. 6.* of a special *Writ of Right* in London, otherwise called a *Writ of Right*, according to the Custom of London. This Writ is also called *Breve magnum de Recto*. *Reg. of Writs*, fol. 9. and *Fleta*, lib. 5. cap. 32. sect. 1.

A *Writ of Right close*, Is a Writ directed to a Lord of ancient Demesne, and lies for those, who hold their Lands and Tenements by Charter, in Fee-simple, or in Fee-tail, or for term of life, or in Dower, if they are ejected out of such Lands, or disseised. In this case a man or his heir may sue out this *Writ of Right close*, directed to the Lord of ancient Demesne, commanding him to do him right in his Court. This is also called *Breve parvum de Recto*, *Reg. of Writs*, fol. 9. and *Britton*. cap. 120. in fine. See also *Fitz. Nat. Br. fol. 11. & seq.*

Yet, note that the *Writ of right patent* seems to be extended farther in use than the original intention: For a Writ of right of Dower, which lies for the Tenant in Dower, is patent, as appears by *Fitzherb. Natura Brevium*, fol. 7. E. The like may be said in divers other cases; of which see also the Table of *Reg. of Writs*, verbo, *Recto*. This Writ is properly tried in the Lords Court between Kinsmen, who claim by one title from their Ancestor. But, how it may be thence removed, and brought either to the County or Kings Court, see *Fleta*, lib. 6. cap. 3, 4 & 5. *Glanville* seems to make every Writ, whereby a Man sues for any thing due unto him, a *Writ of Right*, lib. 10. cap. 1. lib. 11. cap. 1. lib. 12. cap. 1.

*Sciant—quod ego Jurdanus de Ludeford abjuravi, quietum clamavi & remisi Roberto de Mappenour & heredibus suis de me & heredibus meis in presentia Domini Roberti de Mortuomari in Curia de Bureford clameum meum & totum jus quod dicebam me habere, vel quod habere potui in villa de Butona cum pertinentiis suis,*

*unde traxi dictum Robertum in placitum in eadem Curia de Bureford per breve Domini Regis Henrici filii Regis Johannis de Recto, &c. line dat. Penes Edw. Harley Mil. Bal.*

*Recto de dote*, Is a Writ of Right of Dower, which lies for a Woman, that has received part of her Dower, and proceeds to demand the Remnant in the same Town, against the Heir. Of this see more in *Old. Nat. Br. fol. 5.* and *Fitz. fol. 7. E. Reg. of Writs*, fol. 3. and *New Book of Entries*, verbo, *Droyt*.

*Recto de dote unde nihil habet*, Is a Writ of right, which lies in case, where the Husband, having divers Lands or Tenements, has assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir or his Guardian. *Old. Nat. Br. fol. 6. Reg. of Writs*, fol. 170.

*Recto de rationabili parte*, Is a Writ that lies always between privies of Blood, as Brothers in *Gavelkind*, or Sisters, or other Coparceners, as Nephews or Nieces, and for Land in Fee-simple. For example, if a Man Lease his Land for Life, and afterwards dies, leaving issue two Daughters, and after the Tenant for life likewise dies, the one Sister entering upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her part. *Fitz. Nat. Br. fol. 9. Reg. of Writs*, fol. 3.

*Recto quando Dominus remisit*, Is a Writ of right, which lies in case where Lands or Tenements that are in the Seignury of any Lord, are in demand by a *Writ of right*. For, if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that time, (saying to him at other times the right of his Seignury) then this Writ issues out for the other party, and has its name from the words therein comprised, being the true occasion thereof. This Writ is *close*, and must be returned before the Justices of the Common-Bank: *Old. Nat. Br. fol. 16. Reg. of Writs*, fol. 4.

*Recto de advocacione Ecclesie*, Is a Writ of right, lying where a man has right of *Advowson*, and the Parson of the Church dying, a stranger presents his Clerk to the Church, and he, not having brought his Action of *Quare impedit*, nor *darrein presentment* within six Months, has suffer'd the Stranger to usurp upon him. Which Writ he only may have, that claims the *Advowson* to himself and his heirs in Fee. And, as it lies for the whole *Advowson*, so it lies also for the half, the third or fourth part. *Old. Nat. Br. fol. 24. Reg. of Writs*, fol. 29.

*Recto de custodia terre et heredis*, Is a Writ, which, by the Stat. 12 Car. 2. cap. 24. is become useles; as to Lands holden in *Capite*, or by *Knight-service*, but not where there is Guardian in Socage, or appointed by the last Will and Testament of the Ancestor. The form of it see in *Fitz. Nat. Br. fol. 39. & Reg. of Writs*, fol. 161.

*Recto*

**Recto sur disclaimer.** Is a Writ that lies, where the Lord, in the Court of Common-Pleas, does avow upon his Tenant, and the Tenant *Disclaims* to hold of him, upon which *Disclaimer* he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Br. fol. 150.* which is grounded on the Statute of *Westm. 2. cap. 2.*

**Rector,** (Lat.) Signifies a Governor: And *Rector Ecclesie parochialis*, Is he that has the Charge or Cure of a Parish-Church, *qui tantum jus in Ecclesia parochiali habet, quantum Prælati in Ecclesia Collegiata.* It has been over-ruled, that *Rector Ecclesie parochialis* is he that has a *Parsonage*, where there is a *Vicarage* endow'd, and he that has a *Parsonage* without a *Vicarage*, is called *Persona*: But, the distinction seems to be new and subtle. It is certain, *Bracton* uses it otherwise (*lib. 4. Tract. 5. cap. 1.*) in the words, *Et sciendum, quod Rectoribus Ecclesiarum parochialium competit Assisa, qui institui sunt per Episcopos & Ordinarios, ut Personæ.* Where it is plain, that *Rector* and *Persona* are confounded. Note also these words there following; *Item dici possunt Rectores Canonici de Ecclesiis præbendatis. Item dici possunt Rectores vel quasi Abbates, Priores & alii, qui habent Ecclesias ad proprios usus.* See *Vicar.*

**Rectory,** (*Rectoria*) Is taken *pro integra Ecclesia parochiali, cum omnibus suis juribus prædictis, decimis aliisque proventuum speciebus.* *Spelm.* See *Parsonage.*

**Rectus in Curia,** i. Right in Court: Is he that stands at the Bar, and no man objects any offence against him. *Smith de Repub. Angl. lib. 2. cap. 3.*

**Rectum,** Seems to have been anciently used for a Trial or Accusation—*Præterea præcepit, quod omnes alii qui capti fuerant, qui non erant retenti per commune Rectum Comitatus vel Hundredi vel per appellationem, essent quieti; Et illi qui per commune Rectum sunt retenti, si plebros invenire possunt standi ad Rectum, si quis adversus eos loqui voluerit, liberentur, &c. si autem per appellationem reſtati sunt, si fecerint pacem cum adversariis suis redeunt ad pacem, &c.* *Hoved. annal. par. poster. fol. 373. n. 40. Stare ad Rectum.* i. to stand Trial, or *præsto esse ad justiciam.*

**Red Book of the Exchequer,** is an ancient Record, wherein are registred the names of those that held *per Baraniam* in *Hen.* the Second's time: *Riley. fol. 667.*

**Reddendum;** Is used substantially for the clause in a Lease, &c. whereby the Rent is reserved to the Lessor: *Coke, lib. 2. Cromwells case fol. 72. b.*

**Reddition;** (*Redditio*) Is a judicial confession and acknowledgment that the Land or thing in demand belongs to the Demandant, or at least not to himself. *Anno 34 & 35 Hen. 8. cap. 24. Perkins, Dower, 379, 380.*

**Redemptious;** (*Redemptiones*) *Multæ gravissimæ, utpote quæ pro estimatione capitis ipsius*

*delinquentis impinguntur, Anglice Ransomes.* See *Misericordia.*

**La Rede.**— *Md. quod octo virgate terre integre debent arare octo acras terre (pro domino) & seminare proprio frumento & herciare, quæ vocatur La Rede.* *Liber niger Heref. fol. 106,*

**Redisseisin,** (*Redisseisina*) Is a *Disseisin* made by him, who once before was found and adjudged to have *disseised* the same Man of his Lands or Tenements: For which there lies a special Writ, called a *Writ of Redisseisin.* *Old Nat. Br. fol. 106. Fitz. Nat. Br. fol. 183.* See *New book of Entries* on this word. The punishment for *Redisseisin* see in the Stat. 52 Hen. 3. cap. 8.

**Redmans or Radmans,** *Domesday\* in fine Cestrescire. Tit. Lanc. Blackburn Hundred.*— *Rex E. tenuit Pencverdant. Ibi 11 Car. sunt in Dominio & 6 Burgenses, & 3 Radmans, & 8 Villani, & 4 Bovar.* These *Redmans* may be the same in signification, as the *Ryd* or *Rad Knight*, Men, which by the Tenure, or Custom of their Lands were to ride with, or for the Lord of the Mannor about his business or affairs.

**Redubboys, or Dubboys,** Are those that buy stolen Cloth, and, to the end it may not be known, turn it into some other Colour or Fashion. *Briton. cap. 29.* and see 3 *Inst. fol. 134.*

**Re-entry,** (From the Fr. *Reutrer.* i. *Reusus intrare*) Signifies the resuming or re-taking that possession, which we had lately foregone. As, if I make a Lease of Land or Tenement, I do thereby forego, or quit the Possession; and, if I condition with the Lessee, that for non-payment of the Rent at the day, it shall be lawful for me to re-enter; this is as much, as if I conditioned to take again the Land into my own hands, and to recover the possession by my own fact, without the assistance of Judge or Process.

**Reet-Country.** See *Rier County.*

**Re-extent,** Is a second Extent made upon Lands or Tenements, upon complaint made, that the former Extent was partially executed. *Brook. tit. Extents, fol. 313.*

**Refullum aquæ.**— *octodecim pedes ultra refullum aquæ.* *Mon. Angl.*— perhaps, High-water Mark, so high as the Water comes at Full Sea:

**Regal fishes;** (*Anno 1 Eliz. cap. 5.*) Are *Whales* and *Sturgeons*; some add *Porpusses.* The King by his Prerogative ought to have every Whale cast on shore, or Wrecked in all places within this Realm, (unless granted to Subjects by special words) as a *Royal-fish.* The King himself shall have the Head and Body, to make Oyl and other things, and the Queen the Tail to make Whalebones for her Royal Vestments *Par. 1 Edw. 1. m. 25. dorso.* See *Tract. de Aur. Regina, pag. 127.*

**Regalia,** (*Anno 13 Eliz. cap. 16.*) *Dicuntur jura omnia ad fiscum spectantia:* The Rights of a King, which the Civilians say are six 1. Power of Judicature. 2. Power of Life and Death. 3. All kind of Arming. 4. Master-

les



lefs Goods. 5. Assessments. 6. And the value of Money. See *Royalties*. Also the Crown, Scepter with the Crofs, Scepter with the Dove, St. Edward's Staff, four several Swords, the Globe, the Orbe with the Crofs, and other such like, used at the Coronation of our Kings, are called *Regalia*. See the Relation of the Coronation of King Charles the Second, in *Bakers Chron.*

*Regalis Justitia*,—Item *præfati Barones*, (sc. *Quinque Portuum*) *habere debent, ut asserunt, per Chartam suam Regalem Justiciam in villa Gernemuth, tempore Ferie una cum Balivo seu Præposito ville prædictæ, viz. Cognitionem Assise panis, ulnarum, ponderum & aliarum mensurarum, & similiter voad Strand & Denne, secundum consuetudines suas usitatas, &c.* Rot. Parl. 8 Ed. 2. Nu. 262.

*Regardant*, (Fr. seeing, marking, vigilant,) *Villain regardant*, was called *regardant* to the Manor, because he had the charge to do all base, villanous services within the same, and to see the same freed of all filthy and loathsome things that might annoy it, *Coke on Litt.* fol. 120. This word is only applied to a Villain or Neif, yet in old Books it was sometimes apply'd to Services. *ibid.*

*Regard*, (Regardum & Rewardum) from the Fr. *Regard*, i. *Aspectus, respectus*; though it has a well-known general signification of any care or respect, yet a special also, wherein 'tis used only in matters of the Forest, and there two ways; one for the Office of the *Regarder*, the other for the compass of ground belonging to the *Regarders* charge, *Crompt. Jurisd.* fol. 175. 199. Touching the former, thus *Manwood*. The Eyre, general Sessions of the Forest, or Justice seat, is to be kept every third year; and, of necessity the *Regarders* of the Forest must first make their *Regard*, which must be done by the Kings Writ; And, the *Regarder* is to go through the whole Forest, and every Bailwic, to see and enquire of the Trespases therein; ad videndum, ad inquirendum, ad imbreviandum, ad certificandum, &c. Part 1. Pa. 194 and 198. Touching the second, the compass of the *Regarders* charge is the whole Forest, that is, all that ground which is parcel of the Forest; for, there may be Woods within the limits of the Forest, which are no part thereof, and those are without the *Regard*. Part 2. cap. 7. numb. 4. Anno 20 Car. 2. cap. 3.

**H**ENRICUS Rex Anglorum omnibus Forestariis suis de Gloucestershire, salutem. Sciatis me concessisse & præfenti carta confirmasse Ecclesia S. Jacobi de Bristowa (in qua sepultus est Robertus Comes Glocestriae avunculus meus) & Monachis ibidem Deo servientibus, pro salute mea, & pro anima ipsius Comitum, quod terra ipsius Ecclesie, & Monachorum in ea Deo servientium de Cisseleia, & boscus ejusdem terre, sint quieti de Rewardo & decimationis exigentia pro Essartis. Et prohibeo ne inter Assarta amodo computetur. Teste Roberto Episcopo Winton.

*Regarder*, (*Regardator*, Fr. *Regardeur*, i. *Speculator*) Is an Officer of the Kings Forest, who is sworn to make the *Regard* of it, as has been used in ancient time; and, to view and enquire of all offences of the Forest, as well of Vert, as of Venison, and of all concealments of any offences or defaults of the Foresters, and all other Officers of the King's Forest, concerning the Execution of their Offices, &c. More particulars of the *Regarders* Office, how he is chosen, and the form of his Oath, see in *Manwood*, par. 1. pag. 188. 195. & 207. & *Crompt. Juris.* fol. 153.

*Regio Assensu*, Is a Writ, whereby the King gives his Royal Assent to the Election of a Bishop or Abbat. *Reg. of Writs*, fol. 294. b.

*Registry* (*Registrum*, from the old Fr. *Gister*, i. *In lecto reponere, suo loco constituere*.) Signifies the Office, Books and Rolls, wherein the proceedings of the Chancery, or any Spiritual Court are recorded: The Writer and Keeper whereof, is called the *Register*, in Latin *Registrarius*.

*Register* is also the name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the *Register of Writs*, or of the Chancery; of which, thus *Spelman*—*Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inscribuntur; Hujus Codicis meminit Westm. 2. cap. 24. & 25.* This *Register* is one of the most ancient Books of the Common Law; according to *Coke on Litt.* fol. 159.

*Register of the Parish Church* (*Registrum Ecclesie Parochialis*) Is that, wherein Baptisms, Marriage, and Burials are, in each Parish, every year orderly Registred. Which was laudably instituted by the Lord Crommel in September, Anno 1538. While he was Vicar-General to King Henry the Eight.

*Regius Professor* (Anno 12 Car. 2. cap. 17.) Henry the Eight founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law and Physick; the Readers of which Lectures are called in the University Statutes, *Regii Professores*.

*Regrator* (*Regratarius*, Fr. *Regrateur*) Did anciently signifie such, as bought by great, and sold by retail. Anno 27 Edw. 3. stat. 1. cap. 3. But now it signifies him that buys and sells any Wares or Victuals, in the same Market or Fair, or within four miles thereof. Anno 5. Edw. 6. cap. 14. & 13 Eliz. 25. In the Civil Law he is called *Dardanarius*, a *Dardano* quodam hujus sceleris auctore. In ancient time, both the *Ingrosser* and *Regrator* were comprehended under the word *Forestaller*. 3 *Inst.* 195.

*Rehabere facias seismam quando Vicecomes liberabit seismam de majore parte, quam deberet*, Is a Writ Judicial. *Reg. of Writs Judic.* fol. 13. 51. There is another Writ of this Name and Nature, fol. 54.

*Rehabilitation* (Anno 25 Hen. 8. cap. 21.) Is one of those Exactions mentioned in the said Statute

Statute, to be claimed by the Pope heretofore in England; and seems to signify a Bull or Breve, for re-inabling a Spiritual Person to exercise his Function, who was formerly disabled; or a restoring to former ability.

**Reia** (Fr. *Reye*) as *Reia de fiens*, a Rew of muck. See *Molman*.

**Rejoinder** (*Rejunctio*) Signifies an Answer or Exception to a Replication: For first, the Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called an Exception. The Plaintiffs Answer to that, is called a Replication; and the Defendants to that, Duplication, in the Civil Law, and *Rejoinder* with us, especially in *Chancery*. *West. par. 2. Symbol. tit. Chancery, sect. 56.*

**Rekenig.** Constitut. Rob. Dunelm. Episc. Anno 1276. cap. 3.— Porro huic Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui nuncupantur *Rekenis* minime arceantur, cum sic communiter intrinsecis aluntur a parentibus, sic in extrinsecis ab eisdem letentur pariter se defendi.

**Relation** (*Relatio*) Is, where, (in consideration of Law) two times, or other things are considered, as if they were all one; and by this, the thing subsequent is said to take his effect by relation at the time preceding: As if A. deliver a writing to B. to be delivered to C. as the Deed of A. when C. hath paid a sum of Money: Now when the Money is paid, and the Writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King Assents on the last day of Parliament, shall relate, and be of force; from the first day of the beginning of the Parliament. *Coke (lib. 3. Butler's Case)* says, it is *Fictio juris*.

**Relaxation** (*Relaxatio*) a releasing, as the Relaxation of an Attachment in the Court of Admiralty. 22 & 23 Car. 2. Stat. for laying *impos. on proceedings at Law*.

**Release** (*Relaxatio*) Is an Instrument, whereby Estates, Rights, Titles, Entries, Actions, and other things, are sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes enlarged. *West. par. 1. Symb. lib. 2. sect. 509.* And there is a Release in fact, and a Release in Law. In fact, is that which the very words expressly declare; in Law, is that which acquits by way of consequent, or intendment of Law; an example whereof, you have in *Perkins, Grants, 71.* How these are available, and how not, see *Littleton at large, Lib. 3. cap. 8.* And of divers sorts of Releases, see *New Book of Entries, verbo, Release.*

**Releif** (*Relevamen, Relevium*) Signifies a certain sum of Money, which the Tenant (holding by Knight-service, Grand Sergeanty, or other Tenure, for which Homage or Regal-service was due, and after the death of his Ancestor,) paid to his Lord at his entrance. *Mag. Charta, cap. 2. and 28. Edw. stat. 1. Bracton. lib. 2. cap. 36.* says, it is called a Relief, *Quia*

*hereditas, quæ jácens fuit per Antecessoris decessum, relevatur in manus heredum, & propter factum relevationem, faciendâ erit ab herede quædam præstatio, quæ dicitur Relevium.* See the Stat. 12 Car. 2. cap. 24. A Release is likewise paid in Socage Tenure, or Petit Sergeanty, where a Rent, or any thing is paid, by rendering as much as the Rent, or payment reserved. *Walinford. Tainus vel miles Regis dominicus moriens, pro relevamento dimittebat Regi omnia arma sua, & equum unum cum sella, & alium sine sella; quod si essent ei canes vel accipitres præsentabuntur Regi, ut si vellet, accipiet.* Domesday tit. Peroricire.

**Relegation** (*Relegatio*) A banishing, or sending away. As *Abjuration* is a forswearing the Realm for ever; *Relegation* is taken for a banishment for a time only. *Coke on Litt. fol. 133.*

**Religiosi**, Religious men, such as enter'd into some Monastery, or Convent. In ancient Deeds of sale of Land we often find the Vendee restrain'd from giving or alienating it *Viris Religiosis vel Judeis*, to the end the Land might not fall into Mortmain. See *Judaism* — *Rex Vicecom.* — *Præcipimus tibi quod clamari facias sine dilatione per comitatum tuum, quod nulli, sicut diligunt corpora & catalla sua, malum faciant vel dicant viris Religiosis vel Clericis, contra pacem nostram; Et si quem inde attingere possimus, ad proximum quercum eum suspendi faciemus.* T. meipso apud Marlebergh, xi. Apr. Claus. 9 Joh. m. 3.

**Remainder**, (*Remanentia*) Signifies an Estate limited in Lands, Tenements, or Reats, to be enjoyed after the Estate of another expired. For example, a man may grant Land to one for term of his life, the remainder to another for term of his life. *Litt. cap. Attainment, fol. 113.* And this Remainder may be either for a certain term, or in Fee-simple, or Fee-tail, as appears by *Brock, tit. Done & Remainder, fol. 245.* — *Glanville, lib. 7. cap. 1. in fine,* has these words; *Notandum, quod nec Episcopus, nec Abbas, quia eorum Baronie sunt de Elemosina Dom. Regis, & antecessorum ejus, non possunt de Dominiciis suis aliquam partem dare ad remanentiam, sine assensu & confirmatione Domini Regis.* In like sort *Bracton* uses it, *lib. 2. cap. 23. & lib. 4. Tract. 2. cap. 4. num. 4.* See *New Book of Entries, verbo Remainder.* In eo igitur differunt *Remanentia & Reversio: Hæc post statutum terminum ad donatorem vel heredes suos (uti in fontem) remeat: Illa vero ad tertium quempiam (seu extraneum) progreditur.* *Spelm.*

**Remembrancers of the Exchequer**, (*Rememoratores Scaccarii*) are three Officers; one called the *Kings Remembrancer*, (Anno 35 Eliz. cap. 5.) The second the *Lord Treasurers Remembrancer*, upon whose charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court, in remembrancer of such things as are to be called on, and dealt in for the Kings behoof. The third is called the *Remembrancer of the first-fruits*, Anno 5 Rich. 2. Stat. 1. cap.



14 & 15. These (*Anno 37 Edw. 3. cap. 4.*) are called *Clerks of the Remembrance*.

The *Kings Remembrancer* enters in his Office all Recognizances taken before the Barons for any of the Kings Debts, for appearances, or observing of Orders; he takes all Bonds for the Kings Debts, for appearance or observing Orders, and make Proces upon them, for the breach of them. He Writes Proces against the Collectors of Customs, Subsidies, Excise, Hearth-money, and other publick payments for their accounts. All Informations upon Penal Statutes are entred in his Office; and all matters upon English Bills in the Exchequer Chamber remain in his Office. He makes the Bills of Compositions upon penal Laws, and takes the stalment of Debts; He has deliver'd into his Office all manner of Indentures, Fines, and other Evidences, that concern the assuring or passing any Lands to or from the Crown. He yearly in *Craftino animalium* reads in open Court the Statute for election of Sheriffs, and gives them their Oath: He reads in open Court the Oath of all the Officers of the Court, when they are admitted.

The *Treasurers Remembrancer* makes Proces against all Sheriffs, Escheators, Receivers, and Bailiffs for their accounts: He makes Proces of *Fieri Facias* and *Extent*, for any Debts due to the King, either in the Pipe, or with the *Auditors*; makes Proces for all such Revenue, as is due to the King by reason of his Tenures. He makes Record, whereby it appears, whether Sheriffs and other Accountants pay their *Profers* due at *Easter* and *Michaelmas*. He makes another Record, whether Shetiffs and other Accountants keep their days of Prefixion. All *Estreats* of Fines, Issues, and Amerciaments, set in any Courts of *Westminster*, or at the Assises or Sessions, are certifi'd into his Office, and are by him deliver'd to the Clerk of the *Estreats* to make out Proces upon them. There are also brought into his Office all the Accompts of Customers, Controllers, and other Accountants, to make entry thereof on Record. See *Repertory of Records*, fol. 121.

The *Remembrancer of the First-fruits* takes all Compositions, and Bonds for First-fruits and Tenths, and makes Proces against all such as pay not the same.

*Remitter*, (from the Lat. *Remittere*, to restore, or send back,) Where a man has two titles to Land; and is seised of the later, and, that proving defective, he is restored to the former more ancient title; This is a *Remitter*, *Fitz. Nat. Br. fol. 149. F. Dyer, fol. 68. numb. 22.* and see *Brook, tit. Remitter*. If Land descend to him that has right to it before, he shall be remitted to his better Title, if he will, *Doctor and Student, cap. 9. fol. 19. b.* See *Terms of the Law*, on this word, and *Coke on Litt. lib. 3. cap. 14.*

*Renant* (*Anno 32 Hen. 8. cap. 2.*) perhaps misprinted for *Reniant*, i. *negans*, from the Fr. *remier*, *negare*.

*Render*, (from the Fr. *Rendre*. i. *Reddere*,

*Retribuere*) and so it signifies with us. A Fine with *render*, is, where Lands are *render'd* back by the Cognizee to the Cognizor. Also their are certain things in a Mannor that lie in *Prender*, that is, which may be taken by the Lord or his Officers when they chance, without the Tenants leave, as Escheats, &c. and certain that lie in *Render*, that is, must be *rendred* or answer'd by the Tenant, as Rents, Reliefs, Heriots, and other Services. *West, Par. 2. Symb. Sect. 126. C.* Also some Service consists in seilance, some in *Render*. *Perkins, Reservations*, 696.

*Renegeld*. Per *Renegeld Johannes Stanley Ar. clamat habere de qualibet bovata terre infra feodum de Aldford 1 d, exceptis Dominicis terris & terris in feodo predicto infra Hundred. de Macclesfeld. Rot. Plac. in Itin. apud Cestriam*, 14 Hen. 7.

*Renovant*, (from *renovo*, to renew, or make again)—The Parson sued one for Tithes to be paid of things *renovant*, but this Horse, being only for labour and travail, would not renew, &c. *Croke 2 Part, fol. 430.*

*Rent*, (*Redditus*) Is a sum of Money, or other considerations, issuing yearly out of Lands or Tenements. *Plowden, Casu, Browning, fol. 132. b. 138. a. & 141. b.* Of which there are three sorts; *Rent-service*, *Rent-charge*, and *Rent-seck*. *Rent-service* is, where a man holds his land by Fealty, and certain Rent, or by Fealty, Service and Rent. *Litt. lib. 2. cap. 12. fol. 44.* or that which a man, making a Lease to another for year, reserves yearly to be paid him for the same. *Rent-charge* is, where a man chargeth his Lands or Tenements, by Deed indented, either in Fee, Fee-tail, or for term of life, with a sum of Money to be paid to the Grantee yearly, with clause of distress for not payment thereof, *Litt. ubi supra*. *Rent-seck*, otherwise *Dry-rent*, is that, which a man, making over an Estate of Lands or Tenements by Deed indented, reserves yearly to be paid him, without Clause of Distress, mentioned in the Indenture. See more on this subject in the *terms of the Law*; and the difference between a *Rent* and an *Annuity* in *Doctor and Student*, cap. 30. *Dial. 1.*

*Rents of Assise* (*redditus Assise*) are the certain Rents of Freeholders, and ancient Copyholders, because they are *assised* and certain, and distinguished from *Redditus mobiles*. 2 *Inst. fol. 19.*

*Rents resolute*, (*Redditus resoluti*) Are reckon'd among the Fee-farm Rents, to be sold by the Stat. 22 Car. 2. cap. 6. and are such Rents or Tenths, as were anciently payable to the Crown from the Lands of Abbies and Religious-Houses, and, after the dissolution, these Abby-lands being demised to others, the said Rents were still reserved, and made payable again to the Crown.

*Renusiator*.—*Et sunt communes latrones & Renusiatores hominum*, &c. *Trin. 28 Edw. 3. Ebor. 37. q.*

**Reparatione facienda**, Is a Writ that lies in divers Cases, whereof one is, where there are three Tenants in Common, Join-tenants, or *pro indiviso*, of a Mill or House, which is fallen into decay, and the one is willing to repair it, the other two, not. In this case the party willing shall have this Writ against the other two, *Fitz. Nat. Br. fol. 127.* where you may see the form and many uses of it, as also in *Reg. of Writs, fol. 153. b.*

**Repeal**, (From the Fr. *rappel*, i. *revocatio*) Signifies the same with us; as the Repeal of a Statute, is, the revoking or dissolving it. *Brook* uses *Repellance* in the same sense.

**Repleader**, (*Replacitare*) Is to plead again, that which was once pleaded before. See *Brook* and *New Book of Entries*, verbo, *Repleader*.

**Replegiare de averiis**, Is a Writ brought by one, whose Cattel are distrained, or put in pound upon any cause by another, upon surety given to the Sheriff to pursue, or answer, the Action at Law. *Anno 7 Hen. 8. cap. 4. Fitz. Nat. Br. fol. 68.* See *Reg. of Writs*, for divers sorts of this Writ; *New Book of Entries*, verbo, *Replevin*, and *Dyer, fol. 173. numb. 14.*

**Replevie**, (*Plevina*) Is derived of *replegiare*, to re-deliver to the owner upon pledges or surety; and signifies the bringing the Writ called *Replegiari facias*, by him that has his Cattel of other goods distrained by another for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will pursue the Action against him that distrained, *Coke on Litt. lib. 2. cap. 12. Sect. 219.* We read of *Canes replegiati*, Hounds replevied, in a Case between the Abbot of *St. Albans*, and *Geoffrey Childwic. 24 Hen. 3.* Goods may be replevied two manner of ways, *viz.* by Writ, and that is by the Common-Law, or by Plaint, and that is by Statute-Law, for the more speedy having again of their Cattel and Goods. *Replevie* is used also for the bailing a man, *Pl. Cor. fol. 72, 74. and Westm. 1. cap. 11. and 15.*

**Replevish**, (*Replegiare*) Is to let one to Mainprise upon surety. *Anno 3 Ed. 1. cap. 11.*

**Repetition**, (*Replicatio*) Is an exception of the second degree made by the Plaintiff upon the first Answer of the Defendant, *Westm. par. 2. Symb. tit. Chancery, Sect. 55. and Westm. 2. cap. 36.* It is that which the Plaintiff replies to the Defendants Answer in Chancery; and, this is either *General* or *Special*. *Special* is grounded upon matter arising out of the Defendants Answer, &c. *General*, so called, from the general words therein used.

**Report**, (From the Lat. *Reportare*) Is a publick relation, or a bringing again to memory Cases judicially argued, debated, resolved, or adjudged in any of the Kings Courts of Justice, with such causes and reasons as were delivered by the Judges of the same. *Coke on Litt. fol. 293.* Also when the Chancery, or other Court refers the stating some Case, or computing an Account, &c. to a Master of Chancery,

or other Referree, his Certificate therein, is called a *Report*.

**Reposition of the Forest**, (i. A re-putting to) Was an Act, whereby certain Forest-grounds, being made *Purlicu* upon view, were by a second view laid or put to the Forest again. *Manwood, Par. 1. Pa. 178.*

**Reprisals**, (*Reprisalia*) From the Fr. *Reprisc.* i. *Recaprio, vel caprio rei unius in alterius satisfactionem*) Is all one in the Common and Civil Law. *Reprisalia est potestas pignoriandi contra quemlibet de terra debitoris data Creditori pro injuriis & damnis acceptis.* *Vocab. utriusque Juris.* This among the Ancient Romans was called *Clavignatio*. In the Statute 27 Edw. 3. Stat. 2 cap. 17. it is called *Law of Marguere*, because one destitute of Justice in another Territory, redresseth himself by the goods belonging to Men of that Territory.

**Reprises**, (Fr. *Relumptions*, or taking back.) We use it for Deductions and Duties, which are yearly paid out of a Mannor or Lands, as Rent-charges, Pensions, Fees of Stewards, or Bailiffs, &c. Therefore we say the Mannor of *Dale* yields 40 l. per annum ultra *Reprises*, besides all *Reprises*.

**Requies**, (*Curia Requisitionum*,) See in *Court*. The place, where this Court was held, was anciently called *Camera alba. Rot. Parl. Anno 17. Edw. 3.*

**Rere County**, — *Writs shall be delivered in the full County, or Rere County.* Stat. 2 Edw. 3. cap. 5. — *Et pro Fine Secte Curia vocat.* *Rere Counte.* *Comp. temp. Hen. 6.* See *Rier County*.

**Resceit**, (*Receptio*) In an admission, or receiving a third Person to plead his Right, in a Cause formerly commenced between other two, *New Book of Entries*, verbo, *Resceit*. As if Tenant for Life or Years brings an Action, he in the Reversion comes in, and prays to be received, to defend the Land, and to plead with the Demandant. See *Brook tit. Resceit fol. 205. and Perkins, Dower, 448.* *Resceit* is also apply'd to an admittance of Plea, though the controversy be only between two. *Brook tit. Estoppel. Coke on Litt. fo. 192. b.*

**Resceit of Homage**, (*Receptio Homagii*) Is the Lords receiving Homage of his Tenant at his admission to the Land. *Kitchin, fo. 148.* See *Homage*.

**Rescous**, (*Rescussus*) From the Fr. *Rescouffe*, i. *Liberatio, redemptio*) Is an illegal taking away, and setting at liberty, a Distress taken, or a person arrested by Process, or course of Law; which is a *Rescous in Deed*: And, where a man has taken a Distress, and the Cattel distrained, as he is driving them to the Pound, happen to go into the House of the owner, if he that took the distress demand them of the owner, and he deliver them not, this is a *Rescous in Law*, *Coke on Litt. lib. 2. ca. 12. Sect. 237.* It is also used for a Writ which lies for this fact, called *Breve de rescussu*, whereof you may see both the form and use in *Fitz. Nat. Br. fo. 101.*



*Reg. of Writs*, fo. 125. and *New Book of Entries*, verbo *Rescous*: This, in some cases, is Treason, upon matters of Treason, and in some, Felony, in cases of Felony. *Crompt. Justice*, fo. 54. b.

**Rescussor**, Is he that commits such a Rescous. *Crokes Rep. 2 Part*, fo. 419.

**Rescissor**, (*Rescissor*) Is a taking again of Lands into the Kings hands, whereof a general Livery or *Ouster le main* was formerly misfued, contrary to order of Law. *Stamf. Praerog. 26*. See *Resumption*.

**Reservation**, (*Reservatio*) A providing for store; as when a man departs with his Land, but *reserves* or provides for himself a rent out of it for his own livelihood. Sometimes it serves to reserve a new thing, and sometimes to except part of the thing in *esse* that is granted. See *Perkins Reservations, per totum*.

**Resstance**, (*Resstantia*) From the Fr. *Rescant* vel *Rescant*, i. Resident) Signifies a Mans abroad or continuance in a place, *Old Nat. Br. fo. 85*. Whence also comes the participle *rescant*, that is, continually dwelling or abiding in a place, *Kitchin, fo. 33*. It is all one in truth with *residence*, but that custom ties this only to persons Ecclesiastical. *Veteri autem jure nostro etiam & Scoticis aliud significat, utpote morbum validum seu veteranum, quo quis exire de suis adibus prohibetur. Essonium igitur quod de malo lecti nuncupatur; hoc est excusatio, quod ratione infirmitatis sistere se in foro non valeat, essonium nuncupant de rescantia*. Glanville, lib. 1. cap. 11. — *Quandoque intervenit (Essonium) ex infirmitate de rescantia*. Ubi in margine notatur, *Essonium de rescantia idem valet quod essonium de malo lecti*. — Et Galli apertius dixerunt *Exoine de mal rescant*. Spelm.

**Residence**, (*Residentia*) Is peculiarly used both in the Canon and Common-Law, for the continuance or abroad of a Parson or Vicar upon his Benefice: The default whereof (except the party be qualified and dispensed with) is the loss of ten pounds for every Month. *Anno 28 Hen. 8. cap. 13*.

**Resignation**, (*Resignatio*) Is used particularly for the yielding up a Benefice into the hands of the Ordinary, otherwise called *renunciatio* by the Canonists. And, though it signifies all one in nature with the word *Surrender*, yet it is by use restrained to the yielding up a Spiritual Living as aforesaid, and *Surrender* to the giving up Temporal Lands into the hands of the Lord. And, a *Resignation* may now be made into the hands of the King, as well as of the Diocesan, because he has *Supremam Auctoritatem Ecclesiasticam*, as the Pope had here in times past. *Plowden, Casu Grendon, fol. 498*.

**Reitor**, or **Reitor**, (Fr.) Is a word used properly in a Writ of *Tayle* or *Cousenage*, as *Descent* is in a *Writ of right*: In French it signifies the Authority or Jurisdiction of a Court. — *Salvotamen tam refforto quam aliis jure nostro, & jure etiam alieno*. Lit. Pat. Philip. le Hardy R. Franc.

**Respectu computi viccomitis habendo**, Is a Writ for the respiting a Sheriffs account, upon just occasion, directed to the Treasurer and Barons of the Exchequer, *Reg. fol. 139*, and 179.

**Respite**, (*Respectus*) Is used for a delay, forbearance, or continuation of time. *Præcipio tibi, quod poni facias in respectum usque ad aliquem terminum competentem*. Glanville, lib. 12. cap. 9. in *Brevi Regis*.

**Respite of Homage**, (*Respectus Homagii*) Is the forbearance of Homage, which ought first of all to be performed by the Tenant, holding by Homage; but, it had the most frequent use in such as held by Knight-service in *Capite*; who, did pay into the Exchequer every fifth Term, some small Sum of Money to be respited, the doing their Homage, see the Stat. 12 Car. 2. cap. 24. whereby this *Respite of Homage* is taken away, as a charge incident, or arising from Knight-service, &c.

**Respondeat Superior**, Where the Sheriffs are removable, as in London, for insufficiency, *respondeat superior*, that is, the Mayor and Commonalty of London. *Pur insufficiency del Bailiff d'un Liberty, respondeat Dominus libertatis*, 44 Ed. 3. 13. See 4 Inst. fol. 114.

**Responsalis**, (*qui Responsum defer*) Is he that appears for another in Court at a day assigned, *Glanville, lib. 12. cap. 1*. But *Fleta*, (lib. 6. cap. 11.) makes a difference between *Assumatum*, *Essoniatorem* & *Responsalem*; as if *Essoniator* came only to alledge the cause of the parties absence, be he the Demandant or Tenant; and *Responsalis* came for the Tenant, not only to excuse his absence, but to signify what trial he meant to undergo, the Combat or the Country. See *Attorney*.

**Responsions**, (*Responsiones*) Seems to be a word used particularly by the Knights of St. John of Jerusalem, for certain accounts made to them by such as held their Lands or Stocks, *Anno 32 Hen. 8. cap. 24*. In *Rot. Parl. 9 Ric. 2*. It is written *Responsies*.

**Restitution**, (*Restitutio*) Is a yielding up, or Restoring any thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully disseised of them; which, when to be done, and when not, see *Crompt. Just. of P. fol. 144. usque 149*.

**Restitutione extracti ab Ecclesia**, was a Writ to restore a Man to the Church, which he had recover'd for his Sanctuary, being suspected of Felony. *Reg. of Writs, fol. 69. a*.

**Restitutione temporalium**, Is a Writ, that lies where a man, being elected and confirmed Bishop of any Diocess, and has the Kings Royal assent thereto, for the recovery of the Temporalities or Barony of the said Bishoprick. Which is directed from the King to the Elcheator of the County, the form whereof you have in *Reg. of Writs, fol. 294*. and in *Fitz. Nat. Br. fol. 269*.

**Resummons**, (*Resummonitio*) Signifies a second Summons, or calling a man to answer an Action, where the first Summons is defeated, or suspended, by any occasion, as the death of the party, or such like. See *Brook tit. Resummons*, fol. 214. See of these four sorts, according to four divers cases in the Table of *Reg. of Writs judicial*, fol. 1. and *New Book of Entries*, verb. Reattachment & Resummons.

**Resumption**, (*Resumptio*) Is particularly used for the taking again into the Kings hands such Lands or Tenements, as before, upon false suggestion or other Error, he had granted by Letters-Patents to any Man, *Brook tit. Repellance & Resumption*, fol. 298. And so it is used *Anno 31 Hen. 6. cap. 7. & 19 Hen. 7. cap. 10.* See *Refeifer*.

**Retail**, (*Anno 3 & 4 Ed. 6. cap. 21.*) *Qui rem integram ementes, per miniores eam partes distrabebant.* Anglice, to buy by great, and sell by Retail, i. by parcels.

**Retainer**, (from *Retineo*) Signifies a Servant, not menial nor familiar, that is, not continually dwelling in the house of his Lord or Master, but only wearing his Livery, and attending sometimes upon special occasions. This Livery was wont to consist of Hats, (or Hoods) Badges, and other suits of one Garment by the year, and were given by Lords and great Men many times on purpose for maintenance and quarrels, and therefore have been justly prohibited by many Statutes, as by *1 R. 2. cap. 7.* upon pain of Imprisonment and grievous forfeiture to the King. And again, *Anno 16 ejusdem*, cap. 4. & *20 ejusdem*, cap. 1 & 2. and *1 Hen. 4. cap. 7.* By which the Offenders herein should make Ransom at the Kings will; and any Knight or Esquire, hereby duely attainted, should lose his said Livery, and forfeit his Fee for ever, &c. which Statute is further confirmed and explained *Anno 2 Hen. 4. cap. 21.* and *Anno 7 ejusdem*, cap. 3. & *Anno 8 Hen. 6. cap. 4.* And yet this offence was so deeply rooted, that Edward the Fourth was forc'd to confirm the former Statutes, and further to extend the meaning of them, as appears by *8 Edw. 4. cap. 2.* adding a special pain of five pounds on every man that gives such Livery, and as much on every one so retained, either by Writing, Oath, or Promise for every Month. These by the Feudists are called *Affidati*: And, as our Retainers are here forbidden, so are those *Affidati* in other Counties. But, most of the above mentioned Statutes are repealed by *3 Car. 1. cap. 4.*

**Retenementum**, (from *Retineo*) A withholding, reteining, or keeping back — *Sine ullo retenemento* was a frequent expression in old Deeds.

**Retinue** (*retinentia*) these persons are said to be of a Noble mans retinue, that belong to him as servants or retainers. — *ad inquirendum de numero retinentiarum prefati Johanni ab ultimo adventu suo in Hiberniam, & de continuatione ejusdem retinentiarum.* Pat. 14 Ric. 2. pars. 2. m. 18.

**Retradus aquæ**, the ebb of a tide. *Pla. coram Rege Pas. 30 Ed. 1. apud Cantuar. rot. 58.*

**Retrahit**, Is so called, because it is the emphatical word in the Entry; and is, where the Plaintiff or Demandant comes in person alone, or with the Defendant into Court, and says, *He will proceed no further*; which is peremptory, and a perpetual Barr, and may be pleaded as such to the Plaintiff in the same Action for ever. *Qui semel Actionem renuntiavit, amplius repetere non potest.* Coke on Litt. lib. 2. cap. 11. S. 208. where you shall find the difference betwixt *Nonsure* and *Retrahit*.

**Retropannagium** — *Et debent habere Retropannagium a Festo Sancti Martini usque ad Festum Pur. Beate Mariæ.* Petition in Parl. temp. Ed. 3. It seems to be after-Pannage, that is when the best is eaten, and only Hips, Haws, and such like left.

**Return**, (*Retorna vel retorna*) From the Fr. *retour*, i. *Reditio, reversio*) has two particular applications, namely, the return of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ issued, of that which they have done, touching the execution of the same Writs. Of returns in this signification, speaks the Statute of *Westm. 2. cap. 39.* So is the Return of a Commission, a Certificate, or answer to the Court of that which is done by the Commissioners Sheriff, Bailiff, or others, unto whom such Writs, Commissions, Præcepts, or Mandats, are directed.

Also certain days in every Term are called Returns, or Days in Bank: As *Hilary Term* has four Returns, viz. *Ostabis Hilarii*; *Quindena Hilarii*, *Crastino Purificationis*, *Ostabis Purificationis*. *Easter Term* five, viz. *Quindena Pasche*, *Tres Pasche*, *Mense Pasche*, *Quinquagesima Pasche* and *Crastino Ascensionis Domini*. *Trinity Term* four, viz. *Crastino Trinitatis*, *Ostabis Trinitatis*, *Quindena Trinitatis*, *Tres Trinitatis*. And *Michaelmas Term*, six Returns, viz. *Tres Michaelis*, *Mense Michaelis*, *Crastino annularum*, *Crastino Martini*, *Ostabis Martini*, *Quindena Martini*. See the Statutes of Days in Bank, *Anno 51 Hen. 3. 32 Hen. 8. cap. 21.* and *17 Car. 1. cap. 6.*

The other Application of this word is in case of *Replevin*; for, if a man distrain Cattel for Rent, &c. and afterwards so justify or avow his act, that it is found lawful, the Cattel, before deliver'd to him that was distrained, upon security given to follow the Action, shall now be returned to him that distrained them; *Brook tit. Return d'avers & homines*, fol. 218.

**Retorno habendo**, Is a Writ that lies for him, who has avow'd a Distress made of Cattel, and proved his Distress to be lawfully taken, for the return of the Cattel distreined unto him, which before were replevied by the party distreined, upon surety given to pursue the Action, or when the Plaint or Action is removed by *Recordare*; or *Accedas ad Curiam*, into the Court of Common Pleas, and he, whose Cattel were distrained, makes default, and doth not declare or prosecute his Action.



**Returum Averiozum**, Is a Writ Judicial, and the same with *Retorno Habendo*, granted to one impleaded for taking the Cattel of another, and unjust detaining them *Contra vadium & Plegios*; and appearing upon Summons, is dismissed without day, by reason the Plaintiff makes default, and doth not declare *ut supra*, and it lies for the return of the Cattel to the Defendant, whereby he was summoned, or which were taken for security of his appearance upon the Summons. *Regist. of Writs Judic. fol. 4. a.*

**Returum Irreplegiabile**, Is a Writ Judicial, sent out of the Common Pleas to the Sheriff, for the final restitution or return of Cattel to the owner, unjustly taken by another, as Damage-Feisant, and so found by the Jury before Justices of Assize in the County; or otherwise, by default of Prosecution. For which, see *Reg. of Writ Judic. fol. 27.*

**Reve** alias **Greve** (Germanicè **Grabe**, Sax. *Geþeja*. Prefectus, Praepositus) Signifies the Bailiff of a Franchise or Mannor, especially in the West parts. Hence *Shire-reve*, a *Shiref*. See *Kitchin, fol. 43.* See *Greve*, and *Shiref*, and *Tun-grieve*. See *Vershegan, cap. 10.* and *Church-reve*.

**Reveland**. See *Teinland*.

**Revenue** (Fr. *Revenu*). Signifies properly the Yearly Rent and Profits that accrues to every Man from his Lands and Possession.

**Reversion** (*Reversio*). Signifies a returning again: Therefore *Reversio terra est tanquam terra revertens in possessione Donatori sive heredibus suis post donum finitum.* *Coke on Litt. fol. 142. b.* It hath a double acception; the one is, *ius revertendi cum status possessionis defecerit*; and this is but an interest in the Land, when the Occupation and Possession of it shall fall, and so it is commonly taken. 2. When the Possession and Estate, which was parted with for a time ceaseth, and is determined in the persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs, or Assigns, whence it was derived. This is the most proper signification of the word, which is derived from *Reverio*, & apte dici non potest, *Reversio, antequam revertatur in factum.* See *Litt. lib. 2. cap. 12.* And see *Remainder*.

**Review** (Fr. *Revue*) A Bill of Review in Chancery, is, where the Cause hath been heard, and the Decree signed and enrolled; and some Error in Law appears in the Body of the Decree, or new matter discovered in time after the Decree made: Which Bill must be exhibited by leave of the Court, and not otherwise. *Coll. of Orders in Chanc. pag. 69.*

**Reviving**, Is a word metaphorically applied to Rents and Actions, and signifies a renewing them, after they were extinguished. Whereof see divers examples in *Brook, tit. Revivings of Rents, Action, &c. fol. 223.*

**Bill of Revivor**, Is where a Bill hath been exhibited in Chancery against one, who answers,

and before the Cause is heard, or if heard, the Decree be not inrolled, and either party dies: In this Case a Bill of Revivor must be brought, to the end, the former proceedings may stand Revived, and the Cause be finally determined.

**Revocation** (*Revocatio*) Is the recalling a thing granted: Of which, you have divers in the Register of Writs. As, *Revocationem brevis de audiendo & terminando, fol. 124.* *Revocationem Presentationis, fol. 304, 305, &c.*

**Rewey** (*Anno 43 Eliz. cap. 10.*) — So as the same Cloaths, being put in water are found to shrink, Rewey, Squally, Cockling, Light, and notable faulty, &c. 1. Unevenly wrought, or full of Rews.

**Ribaud** (Fr. *Ribaud*) A Rogue, Rascal; Fornicator, Whoremonger, *Rot. Parl. 50 Edw. 3. num. 61.* Petition against Ribauds and sturdy Beggars.

**Rider-roll**. See in *Roll*.

**Ridge** or **Rig** of Land (*Riga*) *Terram quam e pluribus sulcis in aggerem efformant arantes, ita ut sicca sedes frumentis habeatur, Romani strigam, (atque inde agros strigatos) nos, a Ridge of Land. Spel.* Yet I have seen in the Exemplification of a Writ of Partition, *Anno 20 Eliz. Teste Jacobo Dyer Mil. — unam acram terra arabili contineri quinque porcas terre, Anglice ridges.* So Sir Edw. Coke has it. *1 Inst. fol. 5. b.*

**Riding Clerk**, is one of the six Clerks in Chancery, who in his turn, for one year, keeps the Controlement Books, of all Grants that pass the Great Seal that year.

**Ridings**, Are the names of the Parts or Divisions of Yorkshire, being three, viz. *East-Riding*, *West-Riding*, and *North-Riding*, and mentioned in the Statute of *22 Hen. 8. cap. 5.* and *23 Ejsdem, cap. 18.* In Indictments in that County, it is requisite, that the Town and the Riding be expressed. *West, par. 2. Symb. tit. Indictments, sect. 70.*

**Reins passe per le fait**, (i. nothing passes by the Deed) Is the form of an Exception taken in some Cases to an Action. See *Brook, tit. Estranger al fait ou Record.*

**Reins arrear**, Is a kind of Plea used to an Action or Debt upon Arrearages of Account, whereby the Defendant does allege that there is nothing arrear. *Book of Entries.*

**Reins per descent** (i. Nothing by descent) Is the Plea of an Heir, where he is sued for his Ancestors Debt, and hath no Land from him by descent. See *3 Part Crises Rep. fol. 151.*

**Reins reins le gard**, Was a challenge to a Jury or Enquest within London, &c. But it is abrogated by the Statute *7 Hen. 7. cap. 5.*

**Rier County** (*Retro comitatus*) From the Fr. *Arriere*, i. Posterior in the Stat. *2 Edw. 3. cap. 5.* is opposite to open County; And by comparing that Statute with *Westm. 2. cap. 38.* it appears to be some publick place, which the Sheriff appoints for Receipt of the Kings Money, after the end of his County. *Fleta* lays

says it is, *Dies crastinus post comitatum*. Lib. 2. cap. 67.

**Right** (*Jus*) In general signification, includes not only a *right*, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry. *Coke on Littl. lib. 3. cap. 8. sect. 445.* & 447. There is *Jus Proprietatis*, A Right of Ownership. *Jus Possessionis*, A Right of Seisin or Possession. And *Jus Proprietatis & Possessionis*, A Right both of Property and Possession; which was anciently called *Jus Duplicatum*. See *Recto & Droit*.

**Right in Court.** See *Rectus in Curia*.

**Rime** (*Rima*) Is take for a mean kind of Verse, commonly made by some unskilful Poetaster. Of a Libellous and Rebellious *Rime*, I have thought fit to insert this Abstract of an ancient and memorable Record.

**Placita coram Domino Rege  
apud Ebor. de Termino  
Pasche Anno Regni Regis  
Ricardi Secundi, 16.**

*Quamplurimi de Cotingham & Villis circumjacentibus indictantur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manutenendum omnes querelas suas versus quoscunque: Et quod modo guerrino obsiderunt villam de Kingston super Hull, & pontes circumjacentes diripuerint, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt Rimam in Anglicis verbis, & dictam Rimam publice apud Beverly proclamari fecerunt die, &c. quæ Rima sequitur in hæc verba.*

**I**n the Country hard was we,  
That in our Soken Bretos should be,  
With all for to bake.  
Among you friers it is for,  
And other Orders many more,  
Whether they sleep or wake.  
And per will like man betwix other,  
And mainrain him als his brother,  
Both in wrong and right.  
And also will in strand and flour  
Mainrain our Neighbour  
With all our might;

Like Man may come and goe  
Among us, both to and fro,  
Say you sickerly.

But herbing will we suffer none,  
Neither of Hob, nor of John,

With what may be merry be,

For unkinde we were,

If we suffered lesse or more

Any villan herbing.

But it were quite double again,

And accord, and be full faine

To hyde dressing.

And on that purpose, per we stand,

Who so doth us any wrong,

In what place it fall.

Per he must us weete,

Witake I bay and beete,

Doe again us all.

*Sed perdonantur 28 ex eis.*

*Record. continet quatuor Rimas.*

**Ringhead** (*Anno 43 Eliz. cap. 10.*) An Engine used in stretching Woollen Cloth.

**Ringildre** (*Brit. Whingyltre*) *Rex* — & quod nullus tenencium in Corn. nostris predictis de cetero compellatur ad subeund. sive occupand. Officium Ringildre — *Carta Hen. 7. Comit. de Anglesey, Carnarvon & Merioneth, dat. 3. Martii Anno Regni 22.* It was a kind of Bailiff or Serjeant; For so *Whingyl*, or *Whingylh* signifies in Welch.

**Riot** (*Fr. Rôte, quod non solum iriam & jurgium significat, sed vinculum etiam, quod plura in unum, fasciculorum instar, colliguntur*) Signifies the forcible doing an unlawful act, by three or more persons assembled together for that purpose. *West, par. 2. Synb. et. Indictments, sect. 65.* The differences and agreements between a Riot, Rout, and Unlawful Assembly. See in *Lamb. Eiren. lib. 2. cap. 5. Stat. 1 Mar. cap. 12. and Kitchin, fol. 19.* who gives these Examples of Riots: The breach of Enclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, &c. *Lamb. ubi supra* mentions these; To beat a Man, to enter upon a Possession forcibly. See *Rout* and *Unlawful Assembly*; see also, in *Crompt. Justice of Peace, divers. Cases of Riots.* *Anno 17 Rich. 2. cap. 8: and 13 Hen. 4. cap. 7.* See *Rout*.

**Riparia** (from *Ripa*, a Bank) in the Statute of *Westm. 2. cap. 47.* Signifies the Water or River running, between the Banks, be it Salt or Fresh. *2 Inst. fol. 478.* The word occurs also in *Rot. Cart. 9 Edw. 2. numb. 12.* — *Volamus tamen, quod predictus A. cognitionem habeat de morte hominis & mahemio, in grossis navibus in medio fili grossarum Ripariarum, tam de portibus earundem Ripariarum mari magis propinquius, &c. Rot. Pat. 28 H. 8. pars 12.* But in the version of *Magna Charta, cap. 15. 26.* *Riparia* is rendred a Bank.

**Ripatica**, *i. redditus & proventus ex ripis percepti*. MS.



**Ripiers** (*Riparii*, a *Fiscella*, qua in *devehendis piscibus utuntur*: *Anglice a Rip*) Are those that use to bring Fish from the Sea Coast to the inner parts of the Land. *Cam. Brit. pag. 234.* whom in *Wales* they call *Tranfers*.

**Roather Beasts** (*Anno 7 Edw. 6. cap. 11.*) See *Rother-Beasts*.

**Robbery** (*Robaria*) from the Fr. *Robbe*, i. *Vestis*) Is a Felonious taking away another Mans Goods from his Person, Presence, or Estate against his will, putting him in fear, and of purpose to steal the same, *West, par. 2. Symbol. tit. Indictment, sect. 16.* This is sometimes called *Violent Theft*, which is Felony, of two pence. *Kitchin, fol. 16 & 22.* See *Crompton's Justice of Peace, fol. 30. b.*

**Robbers** (*Robatores*) Were so called originally, because they only took away the *Robes* or Cloaths from Travellers; *Latrones validi, qui in personam hominum insulentes, bona sua diripiunt.*

**Robbersmen or Robardsmen** (*Anno 5 Edw. 3. cap. 14. and 7 Rich. 2. cap. 3.*) *Lambert* interprets them to be *Mighty Thieves*. *Eiren. lib. 2. cap. 6.* Sir *Edward Coke* in his *Third Instit. fol. 197.* says, *Robin-hood* lived in *Richard* the First's time in the Borders of *England* and *Scotland* by Robbery, burning Houses, Rape, and Spoil, &c. And that these *Robardsmen* took name from him.

**ROD** (*Roda terra*) Is otherwise called a *Pearch* and it is a measure of sixteen foot and a half long; and in *Staffordshire* twenty foot, to measure Land with. See *Pearch*.

**ROD** **Knights** alias **Bad Knights** (from the Sax. *Rad*, angl. *ROAD*, i. *Equiratus*, & *cnyg*, i. *puer, minister, famulus*; *quasi pueri vel ministri equitantes*) Were certain Servitors, who held their Land by serving their Lords on Horseback. *Deben equitare cum Domino suo de Manerio in Manerium, vel cum Domini Uxore.* *Bracton, lib. 2 cap. 35. numb. 6.* Not much unlike our *Retainers*.

**Rose-tyle** alias **Crest-tyle**, Is that Tyle which is made to lay upon the Ridge of the House. *Anno 17 Edw. 4. cap. 4.* Dr. *Skinner* says the true name is *Rose-tyle*, from the Fr. *Tuile de la Rosee*.

**Rogue** (*Rogus*, from the Fr. *Rogue*, *Arrogans*) Signifies an idle sturdy Beggar, who (wandering from place to place without Passport, after he had been by Justices, bestowed or offered to be bestowed on some certain place of abroad) is worthily so called; who for the first offence, is called *A Rogue of the first degree*, and punished by whipping and boring through the Grissel of the Right Ear, with a hot Iron, an inch in compass; and for the second offence is called *A Rogue of the second degree*, and put to death as a Felon, if he be above eighteen years old. See the *Stat. 14 Eliz. cap. 5.* and *18 Ejusdem, cap. 3.* See *Lamb. Eiren. lib. 4. cap. 4.*

**Rogus** (*Lat.*) A great Fire; also a Pile of Wood— *Mandatum est constabulario castri de Divis. Et custodi Foresta de Cippeham, quod fieri fac. unum Rogum in Foresta predicta ad operationes castri predicti, prout melius videris expedire, &c. T. & Mail. Claus. 54 Hen. 3. m. 8.* *Rogus cum comburitur, pira est congeries lignorum ad comburendum.* *Vocab. utriusque Juris.*

**Roll** (*Rotulus*) Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the hand to the fashion of a Pipe: Of which, there are in the *Exchequer* several kinds, as the *Great Wardrobe Roll*, the *Cofferers Roll*, the *Subsidy Roll*, &c. Of which, see the *Practico of the Exchequer Court, fol. 75.*

**Rider-Roll** (*Novs Reports, fol. 84.*) The Court *Ex Officio* may Award a *Certiorari ad informandum conscientiam*; and that which is certified, shall be annexed to the Record, and is called a *Rider-Roll*. Or a *Rider-Roll* is a Schedule or small peace of Parchment, not seldom sewed or added to some part of a Roll or Record.

**Calves-head Roll**, Is a Roll in the two Temples, wherein every Benchers is taxed yearly at 2 s. every Barrister at 1 s. 6 d. and every Gentleman under the Bar at 1 s. to the Cook, and other Officers of the House, in consideration of a Dinner of *Calves-heads* provided in *Easter Term.* *Orig. Juridic. fol. 199. b.*

**Rolls**, or Office of the **Rolls** in Chancery-lane, anciently called *Domus Conversorum*; Was an House built or appointed by King *Henry the Third*, for such *Jews* as were converted to the Christian Faith: But King *Edward the Third*, in the One and fiftieth year of His Reign, expelled them for their wickedness, and deputed the place for the Custody of the *Rolls*, and Records of the *Chancery*; the Master whereof, is the second person in that Court, and in the absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called *The Master of Rolls*.

**Romefeoh, Romepeny**, (*Sax. Romefeoh, i. Nummus Roma datus, nam feoh est nummus, pecunia, stipendium, Rompenning, Roma Denarius; Penning enim (hodie A peny) est Denarius. Vide Romefeoh.*

**Romefcot** (*Romefeoh vel Romefee, Romepeny, alias, Denarium Sancti Petri & Hearth-peny*) Is compounded of *Rome* and *Scot*, from the Sax. *Jceat*, i. *Census, pecunia, quasi, nummus Roma dicatus.* It was one peny from every family or household paid yearly to *Rome* at the Feast of *St. Peter ad Vincula*, 1 Aug. and given by *Ina*, King of the *West-Saxons*, *Anno 725.* as an Alms, being in Pilgrimage at *Rome*, and was prohibited in the days of *Edward the Third*. It amounted to three hundred Marks, and a Noble a year: Or, (according to *Reg. Parl. 35 Edw. 1.*) 201—9—0. *Romefeoh in Festo Sancti Petri ad Vincula debet reddi—Qui supra*

*supra tenebit*, reddat Episcopo Denarium illum, & 30 Denarios addat, & Regi 50 solidos. LL. Hen. 1. cap. 12. See Peter-pence.

**Mood of Land** (*Modata Terra*) Is the fourth part of an Acre. Anno 5 Eliz. cap. 5.

**Mossland**, V. Citation in MS. (*rosarium*) heathy Land, or Land full of Ling, also watery or moorish Land, from the Br. *moog*. i. planities irrigua. 1 Inst. fol. 5, a. & Cam. Brit. fol. 190. Res autem apud Scotos promontorium significat. Buchan. Hist. fol. 6. b. n. 40.

**Mother-Beasts** (Sax. Hpyhe) under this Name are comprehended Oxen, Cows, Steers, Heyfers, and such like Horned Beasts. Anno 21 Jac. cap. 18. And in Herefordshire, the Dung of such Beasts is still called *Rother-foyl*. J. B. Rangeator in Foresta de Whittlehood habeat de dono Regis quatuor Rothros in Balliva de Wakefeild. Pat. 14. R. 2. m. 13.

**Moultus Wintonia**, Was an exact Survey of all England, per Comitatus, Centurias & decurias, made by King Alfred, not unlike that of Domesday; and it was so called, because of old kept at Worcester, among other Records of the Kingdom. Ingulf. Hist. fol. 516. which Roll time hath consumed.

**Moultus Contrarietatum**. See Contrarietatis.

**Moult Cross**. See Herald.

**Moultlet**. See Runlet.

**Mout** (Fr. Route, i. A company or number) signifies an Assembly of three persons, or more, going forcibly to commit an unlawful act, though they do it not; and is the same which the Germans yet call *Mot*; meaning a Band or great company of Men gathered together, and going to execute, or are executing indeed any Riot, or unlawful act. See the Stat. 18 Edw. 3. stat. 1. and 2 Rich. 2. cap. 6. It is a *Rout*, whether they put their purpose in execution, or no, if they go, ride or move forward after their meeting. Brook, ris. Riot. 4. 5. So as a *Rout* seems to be a special kind of unlawful Assembly, and a *Riot*, the disorderly fact committed generally by any unlawful Assembly. Howbeit, two things are common both to *Rout*, *Riot*, and *Unlawful Assembly*: The one, that three persons at the least be gathered together; the other, that they being together, do disturb the Peace, either by words, shew of arms, turbulent gesture, or actual violence, &c. See Lamb. Eiren. lib. 2. cap. 5. See *Riot* and *Unlawful Assembly*.

**Royal Assent** (*Regius Assensus*) Is that Assent or Approbation, which the King gives to a thing formerly done by others, as to the election of a Bishop by Dean and Chapter; which given, then he sends a Special Writ to some person for the taking of Fealty. The form whereof you may see in Fitz. Nat. Br. fol. 170 C. And to a Bill passed in both Houses of Parliament. Cromp. Jur. fol. 8. Which Assent in Parliament being once given, the Bill is Endorsed with these words. *Le Roy Veult*, i. It pleaseth the King. If he refuse to agree to

it, then thus, *Le Roy Aversif*. i. The King will Advise upon it.

**Royalties** (*Regalia, vel Regalitates*) Are the Rights of the King, otherwise called the Kings Prerogative; some of which are such as the King may grant to common persons; some so high, as may not be separated from his Crown Privative, as the Civilians term it; though some may be Cumulative. Vide Bracton, lib. 2. cap. 5. And Marbeum de Afflictis, upon the title of the Feuds, *Que sint Regalia*; where are set down Twenty five particulars, or several sorts of Royalties. See Prerogative and Regalia.

**Rubbosa**, Filthy things or Rubbish. Claus. 26. Ric. 2. dory. 11. See Lastage.

**Rudge-washed Lattery**, Is that which is made of Fleece-wool, washed only on the Sheeps back. Anno 55 Eliz. cap. 10.

**Runcaria** (from *Runca*) Land full of Brambles and Briars. 1 Inst. fol. 5. a.

**Runcinus** (from the Ital. *Runcino*) Is used in Domesday for a Load-horse, or Sumpter-horse; and sometimes a Cart-horse, which Chancer calls a *Rotuney*: Also a Colt.

**Rune** (from the Sax. *Runung*, i. A Course or Running) A Water-course, so called in the Marshes of Somersetshire. Hist. of Imbanking and Draining, fol. 106. a.

**Rumlet** alias *Roundlet*, Is a certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. Anno 1 Rich. 3. cap. 13.

**Rural Deanes** (*Decani Rurales*) Sunt Decani Temporales ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constituti, qui nec habent Institutionem Canonica secundum Doctores. Hos eisdem esse existimo, qui in LL. Edouardi Confess. cap. 31. Decani Episcoporum appellantur. See Dean. Each Diocess hath in it one or more Arch-Deaconries, for dispatch of Ecclesiastical business, and every Arch-Deaconry subdivided into *Rural Deanries*, fewer or more, according to the bigness and extent thereof. Heylins Cosmog. fol. 304. These were anciently called *Arch-Presbyteri*, & *Decani Christianitatis*. See Dean.

**Ruscaria** (from *Ruscus*) the Soil where Kneeholm or Butchers broom grows; or where the Holly or Holm Tree; for *Ruscus Sylvestris* signifies that Tree.

**Rusca**—habuit Rex (Griffin) unum Manerium Biscopestreu, & in Dominio unam Carucam habebat, & homines ejus sex Carucas. Quando ipse Rex ibi veniebat, reddebat ei unaqueq; Caruca CC Hesthas, unam Cunam plenam Cerveisia, & unam butyri Ruscum. Domesday, ut. Cestre. This *Rusca butyri*, was a Tub of Butter; In Ireland still called a *Rushin*. *Rusca apum* is a Hive of Bees; hence decima de *Ruschiis* was used for tyth of Bees. Carta Willi. de Bray mil. Canonici de Oseny, temp. Hen. 3. See *Hestha*.



## S.

**Sabbatum**, in *Domesday*, is used for Peace, *Postquam Willielmus Rex advenit, & sedebat in Sabbato, & Willielmus Mallet fecit suum Castellum de Eia, &c. Tit. Sudsex.*

**Sabulonarium**.— *Et debent habere Sabulonarium & Chiminagium per totam Censariam predictam, &c. Pet. Parl. temp. Ed. 3.* A Gravel-pit, or the Liberty to dig Gravel or Sand; or the Money paid for digging it.

**Sac** (*Saca vel Sacha*) Is a Royalty or Privilege, which a Lord of a Manner claims to have in his Court, of holding Plea in Causes of debate, arising among his Tenants and Vassals; and of imposing and levying Fines and Amerciaments touching the same. But *Rastal*, and some others define *Sac* to be the forfeiture it self. In the Laws of King Edward, set forth by *Lambert*, fol. 244. thus, *Sacha autem est, si quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negaverit; forisfactura probationis vel negationis (si evenierit) sua erit.* Which may be called the Amerciament paid by him, who denies that which is proved against him to be true, or affirms that which is not true. *Fleta* says, *Sake significat acquiescentiam de fecta ad Comitatum & Hundredum, lib. 1. cap. 47.* *Sac* is a Saxon word, and signifies *Causa, lis, certamen*, as we still say *For Christ's sake, i. Pro causa Christi.* See *Keilweys Rep. fol. 145. Precipio ut S. Benedictus de Ramesia ita bene & libere habeat Socam & Sacam suam, &c. Breve Hen. 2. Justiciariis de Norfolk. V. Saka.*

**Sacaburh** alias **Sacabere**, or **Sakebere**, Is he that is robbed, or by theft deprived of his Money or Goods, and puts in Surety to prosecute the Thief with fresh suit, according to *Selden*, in his *Titles of Honor*, and *Britton*, cap. 15. & 29. With whom agrees *Bracton*, (lib. 3. tract. 2. cap. 32. numb. 2.) *Furtum vero manifestum est, ubi latro deprehensus sit seiscitus de aliquo latrocinio, sc. Hondhavend & Hackberend, & infectus fuerit per aliquem cujus res illa fuerit, qui dicitur Sacaburh, &c.* It may come from *sac* or *jaca, i. lis, causa, prosecutio*, and *buph, pignus*, hoc est *furti Symbolum*. *Spelman*. Sir *Edward Coke* says, *Sacabere*, or *Sakebere*, is derived of *Sac* and *Bere*, that is, He that did bear the bag. 3 *Inst. fol. 69.*

**Saccus cum brochia**, Was a Service or Tenure of finding a *Sack*, and a *Broach* to the King, for the use of his Army. *Bracton*, lib. 2. cap. 16. numb. 6. and lib. 2. tract. 1. cap. 6. See *Brochia*.

**Sacerbozgh** or rather **Sickerbozgh**, *Securus Plegius*. A sufficient Pledge, or Cautioner. *Skene*. See *Sacaburh*.

**Sack of Wool** (*Saccus Lane*) Contains Twenty six Stone, and a Stone Fourteen pounds.

Anno 14. *Edw. 3. stat. 1. cap. 2.* See *Sarplar*. In Scotland it is Twenty four Stone, and the Stone Sixteen Pound.

**Sakervylis rents**, Are certain small Rents paid by some Tenants of the Mannor of *Churton* in *Com. Somerset*, to Sir *Charles Waldegrave*, Lord thereof; but why so called, *Quere*.

**Sacramento Accipiendo**, quod vidua regis se non maritabit sine licentia regis Was a Writ or Commission to one for the taking an Oath of the Kings Widow, that she shall not marry without the Kings Licence. *Reg. of Writs*, fol. 298. a.

**Sacristan** (*Sacrista*) in old times called *Sagerfon*, and *Segiston*, now *Sexton*.

**Sacrobarra**. *Lib. MS. de Officio Coronatoris— Inquirendum est per 12 Juratos pro Rege super Sacramentum suum, quod fideliter presentabunt sine ullo concealamento omnes fortunas, (i. fortuito occisos) abjuraciones, Appella, Mordra, Sacrobarra, felonias factas per quos & quot, &c. Quere*, If *Sacrobarra* be not the same with *Sacrilegia*.

**Safe Conduct** (*Salvus Conductus*) Is a security given by the Prince, under the Broad Seal, to a stranger, for his quiet coming in and passing out of the Realm: Touching which, you may see the Statutes, Anno 15 *Hen. 6. cap. 3.* & 18 *Ejusdem*, cap. 8. & 28 *Hen. 8. cap. 1.* and the Form of it in *Reg. of Writs*, fol. 25.

**Safe-guard**. See *Salva-guardia*.

**Safe-pledge** (*Salva Plegius*) Is a Surety given for a Mans appearance against a day assigned. *Bracton*, lib. 4. cap. 2. numb. 2. Where it is also called *Certus Plegius*.

**Sageman** (*Sax.*) *LL. Hen. 1. cap. 63.* seems to signify a Tale-teller, or secret accuser.

**Sagibaro** alias **Sachbaro**, The same we now call *Justiciarius*: It signifies as much as *Vir causarum vel causis & litibus prepositus*. *LL. Ina Regis Anglo-Sax. cap. 6. MS.*

**Sagitta Barbata**, A Bearded Arrow — *Reddendo inde annuatim pro omni servitio sex Sagittas Barbatas ad Festum Sancti Michaelis, &c. Carta Hugonis de Logius, sine Dat.*

**Sailing Velare** (*Anno 1 Rich. 3. cap. 8.*) Seems to be Canvas, or such kind of Cloath as Sails for Ships are made of.

**Saka**, Hoc est, *Quod Prior habet emendas & amerciamenta de transgressionibus hominum suorum in Curia sua litigantium, tam liberorum, quam Villanorum. Reg. Priorat. de Cokesford. See Sac.*

**Salarium**, (*lat.*) Toll or Custom paid for Salt. *Cam. Brit. tit. Cheshire*, also a Salary for ones pains. 23 *Ed. 3. cap. 1.*

**Salter**, Is a Head-peece (*Anno 4 & 5 Phil. & Mar.*) From the *Fr. Salus, i. Salus*. Mentioned also 20 *Rich. 2. cap. 1. viz. Salter or Scril of Iron, &c.* Otherwise called a *Moriam* or *Pot*.

**Salicetum**, a Soyl, where Willows grow. 1 *Inst. fol. 4. b.*

**Salicher**, (*puto pro Saligerio*) a carrying of Salt by way of Service, by Tenants for their Lords. See *Hofterium*.

**Salina**, A Salt-pit or Vate, a House or place where Salt is made.— *In Herbagiis & Piscariis, in Salinis & Fabricis, in minariis ferreis, &c.* Carta 17 Edw. 2. numb. 28.

**Salique Law** (*Lex Salica*) De terra Salica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terra hereditas perveniat, &c. Was an ancient Law made by Pharamond, King of the Franks. Part of which, appears to have been borrowed by our Henry the First, in compiling his Laws, as Cap. 89.— *Qui hoc fecerit, secundum Legem Salicam moriatur, &c.*

**Salmon-Pipe** (Anno 25 Hen. 8. cap. 7.) Is an Engin to catch Salmon, or such like Fish.

**Salmon Sewfe**, Seems to be the young Fry of Salmon. Quasi Salmon issue. Anno 13 Rich. 3. Stat. 1. cap. 19.

**Saltatorium**, A Deer-leap. *Clamat habere liberum Parcum suum apud Halton cum duobus Saltatoriis in eodem.* Pl. apud Cestriam 31 Edw. 3. — *quod habeat unum Saltatorium, longitudine 20 pedum in Parco suo de Bigging.* Pat. 1. Ed. 3. p. 2. m. 10.

**Salvus**, Highwood. See *Boscus*.

**Salva Guardia**, Is a Protection given by the King to a stranger, fearing the violence of some of His Subjects, for seeking His Right by course of Law; the form whereof see in *Reg. of Writs*, fol. 26.

**Salvage Money**, Is a recompence allowed by the Civil Law, in lieu of all damages sustained by that Ship, that rescues or saves another which was set upon by Pyrates or Enemies.

**Salus** (*Salus*) Was a Coin made by our King Henry the Fifth in France, after his Conquests there, whereon the Arms of France and England were quarterly stamped.

**Sanctuary** (*Sanctuarium*) Is a place privileged by the Prince for the Safe-guard of Offenders lives, being founded on the Law of Mercy, and upon the great Reverence, Honor, and Devotion, which the Prince bears to the place whereunto he grants such Priviledge. Sanctuaries were first granted by King Lucius to Churches and their Precincts, *Matth. Westm. ad An. Dom. 187.* See *Stamf. Pl. Cor. lib. 2. cap. 38.* P. Bonifacius 5, *jussit Aras & Ecclesias esse asyla reis*, says Platina. Among all other Nations, our ancient Kings of England seem to have attributed most to these Sanctuaries, permitting them to shelter such as had committed both Felonies and Treasons: So that within forty days they acknowledge their fault, and submitted themselves to banishment. During which time, if any Layman expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty days, no Man might relieve them. See *New Book of Entries*, verbo, *Sanctuary*, and *Fleta, lib. 1. cap. 29.* How by degrees they have been taken away. See the Statutes 26 Hen. 8. cap. 13. and 28 *Ejusdem*, cap. 7. 32 *Ejusdem*, cap. 12. and 33 *Ejusdem*, cap. 15. — 1 Edw. 6. cap. 12. & 2 *Ejusdem*, cap. 2, & 33. and 5 *Ejusdem*, cap. 10. See *Abjuration*. Saint

*Johns of Beverley in Yorkshire*, had an eminent Sanctuary belonging to it, which the Saxons called *Friditol*, q. *Sedes Pacis*. So had Saint Martins le Grand in London, 21 Hen. 8. cap. 16. Rippon had the like, for which see *Frodmortel*. Croyland had the like, granted by *Witlase* King of the Mercians; *St. Buriens* in Cornwall had the like granted by King *Athelstan*, Anno 936. and *Westm.* the like granted by King *Edward* the Confessor. This in Scotland they call *Githol* or *Githol*.

**Sandacra**.— *Omnibus*— Guido filius Simonis— *dedit unum Toftum cum Sandacra que ad illud pertinet.* Sine dat. Penes Eliam Ashmole Arm.

**Sandal** (2 R. 2. cap. 1.) See *Sendal*.

**Sand-gavel**, Is a payment due to the Lord of the Mannor of *Rodely* in *Com. Gloc.* for Liberty granted to the Tenants, to dig Sand for their uses. *Taylor's Hist. of Gavelkind*, fol. 113.

**Sanguinem emere**. *Omnes Custumarii de Manerio de Grendon Episcopi debent Tak & Toll & Sanguinem suum emere.* Lib. niger Heret. By which is understood, they were bound to buy or redeem their Villain blood or Tenure, and make themselves Free-men.

**Sarplar of Wool** (*Sarplera Lana*) (otherwise called a Pocket) Is half a Sack; a Sack, eighty Tod; a Tod, two Stone; and a Stone, fourteen Pound. See *Fleta, lib. 2. cap. 12.* This in Scotland is called *Serpliathe*, and contains eighty Stone. See *Skene, verbo, Serpliathe*, and 3 *Part Inst.* fol. 96.

**Satt**, A piece of Wood-land, turned into Arable. *Reg. de Felley.* See *Affart*.

**Sasse**, (Anno 16 & 17 Car. 2. cap. 12.) Is a kind of Wear with Floudgates, most commonly in Navigable and Cut Rivers, for the damming and loosing the stream of Water, as occasion requires, for the better passing of Boats and Barges to and fro. This in the West of England is called a *Lock*, and, in the River *Lee* (leis properly) a *Turnpike*, and in some places a *Sluce*.

**Saturday-stop**; Is a space of time in which of old it was not lawful to take Salmon in Scotland, and the North of England; that is, from Evensong on Saturday, till Sun-rising on Munday. MS.

**Saver default**. i. To excuse a default; which is properly when a man, having made default in Court, comes afterwards and alledges good cause why he did it, as Imprisonment at the same time, or the like, *New Book of Entries* on this word.

**Saukefin**, (from the Fr. *Sang.* i. *Sanguis & Fin. Finis.*) Is a word used by *Britton*, cap. 119. for the determination, or final end of the lineal Race or descent of a Kindred.

**Saroulage**, or **Searenlage**; (*Seaxenlaga*) *lex Saxonum.* See *Merchenlage*.

**Scalingæ**.— *Rich. de Luci omnibus— Sciati me dedisse Burgensibus meis de Egremund & heredibus suis Gretfeoh, cum omnibus pertinentiis suis,*



*fuus, & terram de Ulecotes, &c. Et sciendum est quod possint Scalingas suas ponere in predicta terra juxta divisiones de Sinton inter Milnebeck & Eben, ita quod nullus homo ibi manere debet ad fucum & locum, præter pastores, &c. Penes Will. Dugdale Mil.* Of which word thus a Learned Perlon Writes— I have no where else met with your *Scalinge*, and am as much to seek for the meaning of it as your self; if I may contribute my conjecture, I should guess by *Scalingas* are meant Partitions or Divisions; as coming from the Saxon *Scyle*, *distinctio, separatio*, whence their verb *Scylan*, *distinguere, separare*; In which sentie the Dutch (as I learn from *Kilian*) use *Scheylen*. See *Mon. Angl. 2. part. fol. 633. a.* The Foot-grates at Church-yards are called *Scalings*.

*Scandalum Magnatum*, Is the special name of a *Scandal*, or wrong done to any high Personage of the Realm, as *Prelates, Dukes, Earls, Barons*, or other Nobles, as also the *Lord Chancellor, Treasurer, Steward of the House, Clerk of the Privy-Seal, Justice of either Bench*, or other great Officers, by false news, or Messages, whereby Debates and Discords betwixt them and the Commons, or any scandal to their persons may arise, *Anno 2. Ric. 2. cap. 5.* and hath given name to a Writ granted, to recover damage thereupon.

*Scavage, Schevage, Schewage* and *Scheauwing*, (From the Sax. *Iceapiam, Ostendere*) Is a kind of Toll or Custom, exacted by Mayors, Sheriffs, &c. of Merchant Strangers, for Wares shewed, or offer'd to sale within their liberties, which is prohibited by the Statute 19 Hen. 7. cap. 8. In a Charter of Henry the Second to the City of Canterbury, it is written *Sceawinga*; and (in *Mon. Ang. 2. Part. fol. 39c. b.*) *Sceawing*, and elsewhere I find it in Latin *Tributum Ostensorium*. The City of London does retain the Custom, to a good yearly profit. At which Custom the yall endel appertaineth to the Sheriffs, and the other halften del unto the Hostys, in whose Houses the Merchants ben lodged. And it is to wete, that Scavage is the Shew; because that Merchants shewen unto the Sheriffs Merchandyses, of the which Customs ought to be taken, or that any thing thereof be sold, &c. Out of an old printed Book of the Customs of London.

*Scavenger*, (From the Belgic *Schaven*, i. To scrape, or shave away.) Two in every Parish of London, and its Suburbs are yearly chosen into this Office, who hire Men, (called *Rakers*) and Carts to cleanse the Streets, and carry away the dirt and filth thereof, mentioned 14 Car. 2. cap. 2. The Germans call him a *Drecksimon*, from one Simon, a noted Scavenger of Marburg.

*Sceithman* (Sax.) a Pyrate or Thief. LL. *Æthelredi, apud Bromton.*

*Sceppa salis*, an ancient Measure of Salt, the quantity (I think) now not known.— *Et quinq; Sceppas salis per annum de salinū meis*

*de Westcotum. Mon. Angl. 2. par. fol. 824. b.*

*Scheytes*— The Commons pray, that order may be taken against the horrible vice of Ulury, then termed *Scheytes*, and practised as well by the Clergy as Layety. *Rot. Parl. 14 Ric. 2.*

*Schirman* (Sax. *Scipman*) a Sheriff. LL. *Ine Regis, apud Bromton.* See *Shireman*.

*Sire iustas*, Is a Writ judicial, most commonly to call a man to shew cause to the Court, whence it issues, why Execution of a Judgment passed should not go out. This Writ is not granted before a year and a day be passed after the Judgment given. *Old Nat. Br. fol. 151.* See *Anno 25 Edw. 3. Stat. 5. cap. 2.* and 39 Eliz. cap. 7. And see other diversities of this Writ in *Reg of Writs*, and *new Book of Entries*.

*Scite*, (*Anno 32 Hen. 8. cap. 20.*) See *Site*.

*Skarkalla* or *Scarkella*.— It was especially given in charge by the Justices in Eyre, that all Juries should inquire de *bis qui piscantur cum Kiddellis & Skarkallis*. *Cokes 2 Part Inst. fol. 38.* But, he does not declare the meaning of it.

*Scot*, (Sax. *Iceat*, i. A part or portion) Is (according to *Rastal*) A certain Custom, or common Tallage, made to the use of the Sheriff, or his Bailiffs. *Scot* (says *Camden* out of *Marth. Westm.*) *illud dicitur, quod ex diversis rebus in unum acervum aggregatur.* *Anno 22 Hen. 8. cap. 3.*— Bearing neither *Scot*, nor other charges, &c. *Anno 33 Hen. 8. cap. 9.* In Records it is sometimes written *Socry*.

*Scot* and *Lot*, (*Anno 33 Hen. 8. cap. 9.*) Signifies a customary contribution laid upon all Subjects, according to their ability. *Hoveden*, (in *principio Hen. 2.*) writes it *Anlote & Anscote*. In the Laws of *William the Conqueror* set forth by *Lambert*, you have these words, (*cap. 54.*) *Et omnis Francigena, qui tempore Edwardi propinquus nostri fuit in Anglia, particeps Consuetudinum Anglorum, quod ipsi dicunt anhlote & Anscote persolvat secundum legem Anglorum.* Again— *Rex omne injustum Scottum interdixit.* *Hoveden*, in *Anno 1088.* *Scot* from the Sax. *Iceat*, ut *supra*; *Lot*, Sax. *Llot*, i. *Sors*.

*Willielmus Rex Anglorum* *Herberto Norwicensi Episcopo & omnibus Baronibus suis de Norfolk & Suffolc salutem.* Sciatis me dedisse Sanctæ Trinitati *Norwicensi Ecclesie*, rogatu *Rogeri Bigoti*, terram *Michaelis de Utmonasterio* & terram de *Tanerham*, quæ ad eandem terram pertinet, quietam semper & liberam ab omnibus *Scotis & Geldis*, & omnibus aliis Consuetudinibus. T. *Eudone Dapifero* apud *Westm.* &c.

*Scotal*, or *Scotale*, (*Scottalla & Scotalium*) Is a word used in the Charter of the Forest, cap. 8. *Nullus Forestarius vel Bedellus faciat Scotallas, vel Garbas colligat, vel aliquam Collectam faciat,*

*faciat, &c. Manwood, Par. 1. pag. 216. defines it thus. A Scotal, is where any Officer of the Forest keeps an Alehouse within the Forest, by color of his Office, causing men to come to his House; and there to spend their Money, for fear of displeasure. It is compounded of Scot and Ale, which by transposition of the words is otherwise called an Alehot, and by the Welshmen Cymmorh.*

*Memorandum, quod predicti tenentes (de South-malling) debent de consuetudine inter eos facere Scotalium de xvi denariis & ob. Ita quod de singulis sex denariis detur 1 denar. & ob. ad potandum cum Bedello Domini Archiepiscopi super predictum Feodum. Ex vetere Consuetudinario Manerii de South-malling in Archivis Archiep. Cantuar.*

**Scrudland**, (Sax.) Terra cujus proventus vestibus emendis assignati sunt. Land allotted for buying apparel or cloathing. Ita Eadsius quidam Presbyter in Charta sua Ecclesie Cantuar. data. Dedit etiam terram illam apud Orpedingtonam in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in Scrudland, i. Fundum vestiarium. Sax. Dist.

**Scutag.** (Scutagium. Sax. Scildpenig) was a Tax or Contribution, raised from those that held Lands by Knights-service, towards furnishing the Kings Army, at one, two or three Marks for every Knights-Fee, for Henry the Third, for his Voyage to the Holy-Land, and a Tenth granted by the Clergy, and Scutage, three Marks of every Knights-Fee by the Laity, Baronag. Anglia 1 part fol. 211. b. This was also levied by Henry the Second, Richard the First, and King John.

**Scutagio habendo**, Was a Writ that lay for the King, or other Lord, against the Tenant that held by Knights-service, to serve by himself, or a sufficient man in his place, in War against Scot or French, or else to pay, &c. Fitz. Nat. Br. fol. 83.

**Scute** (Scutum) — Katherine, Queen of England, had an assurance made her of sundry Castles, Mannors, Lands, &c. severally named, and valued to the sum of xl. thousand Scutes, every two whereof were worth a Noble. Rot. Parl. 1. Hen. 6. n. 40. So the learned Fortescu, speaking of the Inns of Courts, says, in his enim Hospicium nequaquam potest Studens aliquis sustentari, minoribus expensis in Anno, quam octoginta Scrutorum, cap. 49.

**Scutella elemosinaria**, an Alms-basket or Scuttle. — Et preterea singulis futuri seculi tres panes de Scutella elemosinaria. Carta Wal. Muchegros.

**Scutum armorum**, A Shield or Coat of Arms. Noverint universi per presentes me Johannam nuper uxorem Will. Lee de Knightley, Dominam & rectam heredem de Knightley dedisse — Ricardo Peshale filio Humfridi Peshale Scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubicunque voluerit sibi & he-

redibus suis imperpetuum. Ita quod nec ego nec aliquis alius nomine meo aliquid jus vel clameum seu calumniam in predicto Scuto habere poterimus, sed per presentes sumus exclusi imperpetuum. In cujus — Datapud Knightley — (Anno 14 Hen. 6.)

**Scyldwit**, (Sax.) multa detrectata seu derelicta militia. LL. Hen. 1. cap. 38.

**Scyre-gemot** (Sax. scire-gemot) Was a Court held twice every year (as the Sheriffs Turn is at this day) by the Bishop of the Diocess, and the Ealdorman, (in Shires that had Ealdormen) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King; wherein both the Ecclesiastical and Temporal Laws were given in charge to the Country. Seldens Titles of Honor, fol. 628. See Consistory.

**Sea Laws.** See Oleron.

**Seateve.** In villis maritimis is est qui maritimam Domini jurisdictionem curat, litus lustrat & ejectum maris (quod Water appellatur) Domino colligit. Spelm.

**Seal**, (Sigillum) Is well known. The first sealed Charter we find extant in England is that of King Edward the Confessor upon His foundation of Westminster Abby. Dugdales Warwickshire, fol. 138. b. Yet we read in the MS. History of Offa, King of the Mercians — Rex Offa literas Regii Sigilli sui munimine consignatas eidem Nuncio commisit deferendas. And that Seals were in use in the Saxons time, see Taylors History of Gavelkind, fol. 73. See Wang, Anno 1536, Domini etiam atque Generosi, relictis imaginibus equitum in Sigillis, posuerunt Arma sua in parvis Scutis. Chron. Joh. Rossi, in Bibl. Cotton. Md. quod Henricus de Pergount die Lunæ in crastino S. Mich. venit in Cancellaria apud Lincoln & publice dixit quod Sigillum suum amisit, & protestabatur, quod si aliquod Instrumentum cum Sigillo illo post tempus illud inveniretur consignatum, illud nullius esse valoris vel momenti. Claus. 8. Edw. 1. m. 3. dorse.

**Sealer**, (Sigillator) Is an Officer in the Chancery; who is appointed by the Lord Chancellor or Keeper of the Great Seal of England, to Seal the Writs and Instruments there made in his presence.

**Seant**, (Sax.) See Seme.

**Sean fish**, (Anno 1 Jac. Sess. 1. cap. 25.) Seems to be that sort of Fish, which is taken with a great long Net, call'd a Sean.

**Searcher.** See Alneger.

**Sea-rover**, (Anno 16 Car. 2. cap. 6.) See Pyrate.

**Second Deliverance** (Secunda Deliberatione) Is a Writ that lies (after a return of Cattle replevied, adjudged to him that distrained them, by reason of a default in the party that replevied) for the replevying the same Cattle again, upon security put in for the redelivery of them, in case the Distress be justified. New Book of Entries, verbo, Replevin in Second Deliverance, fol. 522. Vide Dyer, fol. 41. numb. 4, 5.

**Seda ad Curiam**, Is a Writ that lies against him, who refuseth to perform his Sute,



either to the County or Court-Baron. *Fitz. Nat. Br. fol. 153.*

**Secta facienda per illam quæ habet æ uicem am partem**, Is a Writ to compel the Heir, that hath the Elders part of the Coheirs, to perform service for all the Coparceners. *Reg. of Writs, fol. 177. a.*

**Secta molendani**, Is a Writ lying against him, that used to grind at the Mill of B. and after goes to another Mill with his Corn. *Reg. of Writs, fol. 153. Fitz. Nat. Br. fol. 122.* But it seems by him, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making Sute to his Mill. See the *New Book of Entries* on this word. **Secta ad Molendinum**, and Affises of Nuisance, are now much turned into Trempasses and Actions upon the Case.

**Secta ad iustitiam faciendam** (*Bracton, lib. 2. cap. 16. numb. 6.*) Is a Service which a Man is bound by his Fee to perform.

**Secta Shirarum**. Per Sectam Shirarum clamat esse quiet. de secta in Com. Cestrie & Flint coram Justic. Domini Principis in Comuni Aula placitum. Plac. in Itin. apud Cestriam. 14. Hen. 7.

**Secta unica tantum faciendum pro pluribus hereditatibus**, Is a Writ that lies for that Heir, who is distrained by the Lord to more Sutes than one, in respect of the Land of divers Heirs descended to him. *Reg. of Writs, fol. 177. a.*

**Sectis non faciendis**, Is a Writ that lies for a Woman; who, for her Dower, ought not to perform Sute of Court. *Reg. of Writs, fol. 174.*

**Secunda super emendatione Pasture**, Is a Writ that lies, where Admeasurement of Pasture hath been made, and he, that first surcharged the Common, does it again, notwithstanding the Measurement. *Reg. of Writs, fol. 157. Old Nat. Br. fol. 73. Vide 13 Edw. 1. cap. 8.*

**Secundary** (*Secundarius*) A second Officer, who is next to the Chief Officer: As the *Secundary* of the Fine Office. *Secundary* of the Compter, who is next to the Sheriff of London in each of the two Compters. *Secundary* of the Office of the Privy Seal. *Anno 1 Edw. 4. cap. 1. Secundaries* of the Pipe, two. *Secundary* to the Remembrancers, which are two Officers in the Exchequer.

**Securitatem inveniendi, quod se non dixerat ad partes extrinsecas sine Licentia Regis**, Is a Writ that lies for the King, against any of His Subjects, to stay them from going out of His Kingdom. The ground whereof is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. *Fitz. Nat. Br. fol. 85.*

**Securitate Pacis**, Is a Writ that lies for one (who is threatened death, or danger) against him that so threatens, and is taken out of the Chancery, directed to the Sheriff, whereof the

form and further use, you may see in *Reg. of Writs, fol. 88. b. and Fitz. Nat. Br. fol. 79.*

**Se Detendendo**, Is a Plea for him, who is charged with the death of another, saying, He was forced to what he did in his own defence; the other, so assaulting him, that if he had not done as he did, he must have been in danger of his own life: Which danger ought to be so great, as that it appears to have been otherwise inevitable. *Stamf. Pl. Cor. lib. 1. cap. 7.* And although he justifie it to be done in his own defence, yet is he driven to procure his pardon of courle from the Lord Chancellor, and forfeits, notwithstanding, his Goods to the King.

**Seignior** (*Dominus*, Fr. *Seigneur*) Signifies generally as much as *Lord*; but particularly it is used for the Lord of the Fee, or of a Mannor, as *Dominus* or *Senior*, among the Feudists, is he who grants a Fee or Benefit out of the Land to another; and the reason is, because (as *Hotoman* says) having granted the use and profit of the Land to another, yet the property (*i. Dominium directum*) he still retains in himself.

**Seignior in Gros**. See *Lord in Gros*.

**Seignory** (*Dominium*, Fr. *Seigneurie. i. Ditio, Dominatus, &c.*) Signifies a Mannor or Lordship. *Signorie de Sokemans. Kitchin, fol. 80.* *Seignorie in Gros*, seems to be the title of him who is not Lord by means of any Mannor, but immediately in his own person: As *Tenure in Capite*, whereby one held of the King, as of His Crown, was *Seignorie in Gros*. *Idem, fol. 206.*

**Seignourage** (*Anno 9 Hen. 5. Stat. 2. cap. 1.*) Seems to be a Regality or Prerogative of the King, whereby He challengeth allowance of Gold and Silver, brought in the Mafs to His Exchequer, to be coyned, in the Parl. Roll it is written, *Signorage*.

**Seisin** (*Seisina* and *Saisio*, Fr. *Seisine*) Possession; and *Primier Seisin* is the first possession. *Seisin* is twofold, in Fact, and in Law. *Perkins, Dower, 369 & 370.* *Seisin in Fact*, is, When an Actual Possession is taken: *Seisin in Law*, is, When something is done, which the Law accounts a *Seisin*, as an *Inrolment*. *Seisin in Law*, is as much as a right to Lands and Tenements, though the owner be by wrong disseised of them. *Perkins, Tenant pur le Curtesie, 457, 478. Coke lib. 4. fol. 9. a.* Calls is *Seisin in Law*, or *Seisin Actual*.

**Seisina habenda, quia Rex habuit annum diem, & vastum**, Is a Writ that lies for Delivery of *Seisin* to the Lord, of his Lands or Tenements, who was formerly convict of Felony, after the King, in right of His Prerogative, hath had the Year, Day, and Waste. *Reg. of Writs, fol. 165. a.*

**Selda** (From the Sax. *Selde*, a Seat, Stool, or Settle) — *Affisa Mensurarum Anno 9 Rich. 1. apud Hoveden* — *Prohibemus ne quis mercator pretendat Seldæ suæ rubros paxnos vel nigros, vel scuta vel aliqua alia per quæ visus emptorum*

*emptorum sepe decipiuntur, ad bonum pannum eligendum.* In Majoribus Chronicis ubi locus hic vertitur, *Selda Window* exponitur, says *Spelman*. But by what follows, it seems clearly to signifie a Shop, Shed, Standing or Stall — *Sciant presentes & futuri, quod ego Thomas Pencombe de Bromyard dedi— Thome Horsenet Vicario Ecclesie de Bromyard unam Seldam meam jacentem in Bromyard predicti. apud le Cornechepyngge, &c. Dat. — Anno 10. Hen. 6. — Et medietatem unius Seldæ, vocat. le Unicorn in London.* Mon. Angl. 2 par. fol. 322. a. Sir Edward Coke (*on Littl. fol. 4. b.*) takes, or rather mistakes, *Selda* for a Salt-Pit. *Selda*, a Wood of Sallows or Willows. Co. 1. Inst. 4. b.

**Selion of Land** (*Selio terre*) Fr. *Seillon*, i. Terra elata inter duos sulcos, in Latin *Porca*, in English a *Stiche*, or Ridge of Land, and in some places only called a *Land*; and is of no certain quantity, but sometimes half an Acre, more or less, Therefore *Crompton* in his *Jurif. fol. 221.* says, That a *Selion of Land* cannot be in demand, because it is a thing incertain. It seems to come originally from the Saxon *Jul or Iyl*, i. aratrum, whence also the Fr. *Seillonner*, i. arare. — *Charta vetus Achronica* maketh fix *Selions* and a half, to be but one Acre. *Sciant — quod ego Margeria filia Willielmi de Ryelia dedi, &c. Emmae filie mee pro homagio & servitio suo unam acram terre in campo de Camurth, scil. Illas sex Seliones & dimid. cum forera & sepe & fossato, que jacent in Aldewic juxta terram, &c. See Hade.*

**Seme** (*Summa, summagium*, Sax. *Seam*, i. onus) A Horse load. A *Seme* of Corn is eight Bushels, in some places but four, which seems more proper to make the Horse load. *Fratres Predicator. (Heref.) pro 2 Sumagiis vocat. Semies de focali percipiend. quotidie de bosco de Heywood pro termino 20 annorum. — 3 Hen. 5. par. 2. m. 18. See Sumage. — Habebunt etiam duas Summas frumenti, pro pastellis, cum voluerint, faciendas.* Mon. Angl. 2 par. fol. 935. a. — *Et sint quieti de Summagiis & Murdro & Tennigges & Wapentake & auxiliis Vice-comitum.* Ibid. fol. 201. a. — *De quatuor Summis falis, continentibus quadraginta bullones pro dimidia salina sua.* Ibid. fol. 256. b. See *Summa*.

**Senagium** (From *Senatus*, sometimes used for a *Synod*) is the same with *Synodal*, which see. Item *quod persolvant Procuracionem & Senagium Domino Archidiacono debitum.* Ordinatio, Ric. Episc. Heref. Anno 1314.

**Sendal** (*Anno 2 Rich. 2. cap. 1.*) Seems to be fine Silk, or Cyprus Silk, from the Italian *Zendalo*. But *Sandal* is a kind of Physical Wood brought out of the Indies.

**Senegge**. — There goeth out yearly in *Prorege* and *Senegge* 33 s. 6 d. *History of S. Paul's Church*, fol. 272. It seems to be the same with *Senagium*.

**Seneshal** (*Senescallus*, is derived of *Sein*, a House or place, and *Schalt*, an Officer or Governor. *Coke on Littl. fol. 61. a.* a Steward:

As the High Seneshal or Steward of England. *Pl. Cor. fol. 152.* *High Seneshal* or Steward, and *South Seneshal* or under-Steward, *Kitchin*, fol. 83. is understood of a Steward, and under-Steward of Courts. *Seneshal de l'Hofel de Roy*, Steward of the Kings Household. *Crompt. Jurisd. fol. 102.* In Purificatione Beate Mariae, fuit Filius Regis Anglorum Parisiis & servivit Regi Francorum ad mensam, ut *Senescallus Francie.* Rob. de Monte. in Anno 1176. pag. 649.

**Senescallo & Marshalllo** quod non tenent placita de libero tenementis, &c. Is a Writ directed to the Steward or Marshal of England, inhibiting them to take cognizance of an Action in their Court, that concerns either Freehold, Debt, or Covenant. *Reg. of Writs*, fol. 185. a. 191. b.

**Senecucia**, Widow-hood. *Si vidua dotata post mortem viri sui se maritaverit vel filium vel jilium in Senecucia peperit, dotem suam amittet & forisfit in quocunque loco infra Com. Kant. Tenen. in Gravelkind.* Plac. Trin. 17 Ed. 3.

**Separation** (*Separatio*) Of Man and Wife. See *Mulier*.

**Septuagesima** (*Westm. 1. cap. 51.*) Is always the Fourth Sunday before *Quadragesima*, or the First Sunday in *Lent*, from whence it takes its numeral demonstration; as *Quinquagesima* is the next before *Quadragesima*, then *Sexagesima*, and then *Septuagesima*; which are days appropriated by the Church to Acts of Penance and Mortification, and are a certain gradation or preparation to the devotion of *Lent*, then approaching. The Laws of King Canutus ordain'd a vacancy from Judicature, from *Septuagesima* to *Quindena Pasche*. See *Quinquagesima*.

**Sequatur sub suo periculo**, Is a Writ that lies where a Summons *Ad Warrantizandum* is Awarded, and the Sheriff returns, that he hath nothing whereby he may be summoned; then goes out an *Alias* and *Pluries*, and if he come not at the *Pluries*, this Writ shall issue forth, *Old Nar. Br. fol. 163. Coke on Littl. fol. 101. b.*

**Sequela**, When in former time any Lord fold his Villain, it was said — *dedi A. B. Nativum meum, cum tota Sequela sua*, by which was meant all the Villains Off-springs.

**Sequela molendini**, the Suit or Custom of a Mill. *Sciant — quod ego Stephanus de Ebroy (i. deveureux) dedi — Ecclesie Sancti Leonardi de Pyonia — molendinum meum de Fréma cum omnibus pertin. suis, scil. Molta, Sequela & Stagno — Reg. Priorat. de Wormley. Fo. 22. a.*

**Sequela Curie**, Suit of Court. — *Et quod sint liberi a Sequela Curie.* Mon. Angl. 2 par. fol. 253. a.

**Sequestration** (*Sequestratio*) Is a separating a thing in controversie from the possession of both thole that contend for it. And it is twofold *Voluntary* or *Necessary*. *Voluntary* is, that which is done by the consent of each party; *Necessary*, is that which the Judge, of his authority doth, whe-



whether the parties will or not. It is also used for the Act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with. *Dyer, fol. 232. numb. 5. and fol. 256. numb. 8.* As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent. *Anno 28. Hen. 8. cap. 11. Fortescu, cap. 50.* And in divers other Cases.

**Sequestro habendo**, Is a Writ Judicial for the dissolving a Sequestration of the Fruits of a Benefice made by the Bishop, at the Kings Commandment, thereby to compel the Parson to appear at the Sure of another: For the Parson, upon his appearance, may have this Writ, for the Release of the Sequestration. *Reg. of Writs Judicial, fol. 36. a.*

**Serjantia Chapeolli**. See Catchpol.

**Serjeant** (*Serviens vel Serians*) Is diversly used and applied to sundry Offices and Callings. First, a *Sergeant at Law* (or of the *Coyf.*) anciently called *Narrator* in Latin, and sometimes *Serjeant Countor*, is the highest degree in that Profession, as a Doctor, in the Civil Law: And to these, as Men best learned, and best experienced, one Court is severd, to plead in by themselves, which is that of the *Common Pleas*, where the Common Law of England is most strictly observed; and where they are not so limited exclusively, but may likewise plead in other Courts, in which the Judges, (who cannot be Judges until they have taken the degree of *Serjeant at Law*) do style them *Brother*, and hear them with great respect, next the Kings Attorney, and Solicitor General, and Kings Counsel. These are made by the Kings Mandat, directed to them, commanding them upon a great penalty, to take upon them that degree, by a day certain therein assigned. *Dyer, fol. 72. numb. 1.* And of these, one at least is the *Kings Serjeant*, being commonly chosen out of the rest, in respect of his great learning, to plead for the King in all his Causes, especially those of Treason. (*Pl. Cor. lib. 3. cap. 1.*) Of which, there may be more, if the King so please. In other Kingdoms he is called *Advocatus Regni*. With what solemnity these *Serjeants* are created, read *Fortescu, cap. 50.* *Crokes third Part, fol. 1. and 2 Instit. fol. 213.* These were also anciently called *Servientes Narratores*. — *Et prædictus Thomas le Marechal dicit, quod ipse est communis Serviens Narrator Coram Justic. Et alibi ubi melius ad hoc conduci poterit, Et quod ipse in Placito præfate Assise coram præfatis Justiciariis stetit cum prædicto Johanne, Et de concilio suo fuit, &c.* Trin. 25 Edw. 1. Coram Rege, Oxon 22. — *Id. quod Termino Trin. Anno 26 Hen. 8. Tho. Willoughby, Et Johannes Baldwin, Serjeants de Roy, fueront faits Chivaliers, Et que nul tiels Serjeants devant fuer. unques fait Chivaliers.* Ex MS. Vocat. Spelmans Reports. In Edward the Sixths time *Serjeant Benlowes* wrote himself *Solus Serviens ad legem*. It seems for some time there was none but himself.

The next is a *Serjeant at Arms*, or of the *Mace*, (*Serviens ad Arma*) whose Office is to attend the person of the King. *Anno 7. Hen. 7. cap. 3.* to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of England, sitting in Judgment upon any Traitor, and such like, (*Pl. Cor. lib. 3. cap. 1.*) Of these, by the Statute 13 Rich. 2. cap. 6. there may not be above thirty in the Realm. Two of them, by the Kings allowance, do attend on the Two Houses of Parliament, whose office in the House of Commons, is the keeping of the doors, and (as of late it hath been used) the execution of such commands, especially touching the apprehension of any offender, as that House shall enjoyn him. *Crompt. Jur. fol. 9.* Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery. And one on the Lord Treasurer of England. One upon the Lord Mayor of London, upon extraordinary solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North, &c.

Another sort of *Serjeants*, are chief Officers, who execute several Functions or Offices within the Kings Household; of which, you may read many in the Statute of 33 Hen. 8. cap. 12.

There is likewise a more inferior kind of *Serjeants of the Mace*, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Major, or other Head Officer, chiefly for Matter of Justice. *Kitchin, fol. 143.* And these are called *Servientes ad Clavem*. New Book of Entries, verbo, *Scire facis, in Mainpernors, cap. 3. fol. 538.*

There were also a kind of Servants in Religious Houses, called *Serjeants* — *dedi præterea, Et addidi ad eorum sustentationem Et advenientium hospitium Et pauperum Et Seriantorum, quos constitui ad serviendum eis* — Carta Gundulfi Roff. Episc. in Bibl. Cotton. And in Cumberland the Governor of Gilleland, is called *Land-Serjeant*. Cam. Anciently also the Justices in Eyre had certain Offices attending them, called *Serjeants* (as appears by *Westm. 1. cap. 30.*) which *Fleta* calls *Virgatores Servientes*, and were in nature of our *Tipstaves*.

**Serjeants of Peace**. — *Et etiam habere ibidem (i. Dunham) sex Servientes qui vocantur Serjeants of Peace, qui servient Cur. Manerii prædicti, Et facient Attach. Et executiones omnium Placitorum Et querelarum in dicta Curia Placitorum, &c.* Pl. de quo Warranto apud Cestriam, 31 Ed. 3. The like Officer they have in the City of Chester.

**Serjeanty** (*Serjantia*) Is a Service that cannot be due to any Lord from his Tenant, but to the King only; and it is divided into *Grand Serjeanty* and *Petit*. The first is, where one holds Land of the King by service, which he ought to do in his own person, as to bear the Kings Banner, Spear, &c. *Petit Serjeanty* is, where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, as a Sword, Dagger, Bow, &c. of which

read

read *Bracton*, lib. 2. cap. 16. & 37. And *Britton*, c. 66. numb. 1 & 2. *Inter feodalium servitia summum est & illustrissimum, quod nec Patronum aliquem agnoscit preter Regem*, says the Learned *Spelman*. Lib. MS. Feodal. de *Baldwino de Pettour*, qui tenuit terras in *Hemingston* in Com. Suff. per Serjeantiam, pro qua debuit facere die Natali Domini singulis annis coram Domino Rege Angliæ, Saltum, Sufflam, & Pettum, al. unum Saltum, unum Sufflatum, & unum Bombulum. And *Sir Rich. Rockesley* held Lands at *Seaton* by Serjeanty to be *Vantrarius Regis*. The Kings Fore-footman when he went into *Gascogn*, Donec perusus fuit parsolutorum precii 4 d. until he had worn out a pair of shoes of the price of 4 d. Which Service, being admitted to be performed, when the King went to *Gascogn* to make War, is Knights Service. *Coke on Litt.* fol. 69. b. See the Statute of 12 Car. 2. cap. 24. Whereby all Tenures of any Honors, Mannors, Lands, &c. are turned into Free and Common Soccage; but the Honorary Services of Grand Serjeanty are thereby continued. *Johannes Freeman tenet unam Virgatum terræ, per Serjeantiam mensurandi Fossata & opera Domini Regis, ad castrum Domini Regis.* Lib. niger Herefordiæ.

**Servage** (Anno 1 Rich. 2. cap. 6.) That is, when each Tenant, besides payment of a certain Rent, finds one or more workmen for his Lords Service, *Inq. 7 Ed. 1. Not. Etiam est Religio illa ita posita in Servagio per Abbates Cistercienses, quod servitium Dei in hac parte impeditur.* Pla. Parl. 33 Ed. 1. See Service. King John brought the Crown of England in Servage to the See of Rome. 2 Inst. 274.

**Service** (Servitium) Is that which the Tenant by reason of his Fee oweth to his Lord; which is sometimes called *Servage*, as Anno 1 Rich. 2. cap. 6. Our ancient Law-Books make divers Divisions of Service, as into *Military* and *Base*; *Personal* and *Real*; *Intrinsic* and *Extrinsic*, &c. But since the Stat. 12 Car. 2. cap. 24. Whereby all Tenures are turned into Free and Common Soccage, much of that learning is set aside. See *Coke lib. 4. Broil's Case*, fol. 9. a. See *Soccage*. *Thomas Leigh* Esquire (at the Coronation of King Charles the Second) brought up to the King's Table a Mese of Portage called *Dilligout*, which Service had been adjudged to him by the Court of Claims in right of the Mannor of *Addington* in Com. Surrey; whereupon the Lord High Chamberlain presented him to the King, who accepted the Service, and afterwards Knighted him.

**Service secular** (Anno 1 Edw. 4. cap. 1.) Worldly Service, contrary to Spiritual or Ecclesiastical.

**Servientibus**, Are certain Writs touching Servants, and their Masters, violating the Statutes made against their abuses, which see in *Reg. of Writs*, fol. 189. & 191.

**Servitium ferrandi**, Of Shooing a Horse. See *Palfrey*.

**Servitiis Acquietandis**, Is a Writ Judicial that lies for one Distrained for Services to

*A*, who owes and performs to *B*. for the Acquittal of such Services. *Reg. of Writs Judic.* fol. 27. a. & 36. b.

**Servitors of Bills**, Are such Servants or Messengers of the Marshal belonging to the Kings Bench, as were heretofore sent abroad with Bills or Writs to summon Men to that Court, being now called *Tipstaffs*. *An. 2 H. 4. ca. 23.*

**Session at Parliamen.** The passing any Bill or Bills, by giving the Royal Assent thereto, or the giving any Judgment in Parliament, doth not make a Session, but the Session does continue till that Session be Prorogued or Dissolved. See 4 Part Inst. fol. 27.

**Sessions** (Sessions) Signifies a sitting of Justices in Court upon their Commission; as the Sessions of Oyer and Terminer. *Pl. Cor.* fol. 67. *Quarter Sessions*, otherwise called *General Sessions*, or *Open Sessions*. Anno 5 Eliz. cap. 4. Opposite whereunto are *Especial*, otherwise called *Privy Sessions*, which are procured upon some special occasion, for the more speedy dispatch of Justice. *Cromp. Just. of Peace*, fol. 109. *Petit Sessions* or *Statute Sessions*, are kept by the High Constable of every Hundred for the placing of Servants, Anno 5 Eliz. cap. 4. See *Statute Sessions*.

**Selleur** (Anno 25 Edw. 3. cap. 6.) Seems to signifie the assessing or rating of Wages.

**Severance**, Is the singling or severing two or more, that joyn or are joyned in one Writ. As, if two joyn in a Writ *De libertate Probanda*, and the one afterwards be non-sute, here Severance is permitted, so as, notwithstanding the non-sute of the one, the other may severally proceed. *Fitz. Nat. Br.* fol. 78. and *Brook. tit. Severance of Summons*, fol. 238. There is also Severance of the Tenants in an Affise, when one, two, or more Disseisors appear upon the Writ, and not the other. *New Book of Entries*, fol. 81. And Severance in Attaints, eodem, fol. 95. And Severance in Debt, fol. 220. where two Executors are named Plaintiffs, and the one refuseth to prosecute. Severance of Corn, is the cutting and carrying it from off the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called Severance. See *Crokes Rep. 2 Part*, fol. 325.

**Several Tail** (*Tallium Separatum*) Is that whereby Land is given and entailed severally to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Donees have joynt-estate for their two lives, yet they have several inheritance; because the issue of the one shall have his moiety; and the issue of the other, the other moiety.

**Several Tenancy** (*Tenura Separata*) Is a Plea or Exception to a Writ, that is laid against two, as Joynt, who are indeed several. *Brook. hoc tit.* fol. 273.

**Sewer** (*Severa & Sewera*) Est fossa in locis palustribus ducta ad aquas eliciendas, &c. A Passage or Gutter to carry Water into the Sea, or a River. Anno 6 Hen. 6. cap. 5. and



12 Car. 2. cap. 6. And Commissioners of Sewers are such, as, by authority under the Great Seal, see Drains and Ditches well kept and maintained in the Marsh and Fen Countries, for the better conveyance of the Water into the Sea, and preserving the Grals upon the Land, for Food of Cattel. See the Statutes 15 Car. 2. cap. 17. and 17 Ejsusdem, cap. 11. Touching the Draining the Great Level in the Fens, called Bedford Level, and the authority of the Governor, Bailiff, &c. As Commissioners of Sewers.

**Seragesima.** See Septuagesima.

**Sextary** (*Sextarius*) Was an ancient Measure, containing about our pint and a half, (according to the *Latin Dictionary*.) The City (now Town) of Leicester paid (*inter al.*) to the King yearly Twenty five Measures called *Sextaries* of Honey; as we read in *Domesday*, And in *Clauſ. 4 Edw. 3. m. 26.* we find mention of *Trefdecim Sextarios Vini.*— *Et unum Sextarium Salis apud Wainſlet.* Mon. Angl. 2 par. fol. 849. b. *Decem Mittas braſii, quatuor Sextarios Avenæ ad præbendam.* Idem, 1 par. fol. 136. b. Where it seems to have been used for a much greater quantity. A *Sextary* of Ale, contained xvi *Lagenas.* See *Tolſteſter.*

**Sextery lands** (mentioned in 1 part of the *Baronage of England.* fol. 324.) are Lands given to a Church or Religious House, for maintenance of the Sexton or Sacristan.

**Shack,** Is a Custom in Norfolk to have Common for Hogs, from the end of Harvest, all Seed time, in all Mens Grounds without control. *Cokes 7 Rep. fol. 5. Corbet's Case.* And in that County, To go at Shack, is as much as, to go at large.

**Sharer.** See *Flotzon.*

**Sharping Corn,** Is a Customary gift of Corn, which, at every Christmas, the Farmers in some parts of England give to their Smith, for sharpening their Plough-Irons, Harrow-Tines, and such like, and exceeds not half a Bushel for a Plough-Land.

**Shatford.**— *Et si le tenant ne veigne, ou si il veigne & ſache riens Dire, adonques Judgment ſera que le dit recovers les tenemens quitemens à toutz jours, ſelonq; le Judgment appelle Shatford per Cuſtome de la Citie.* MS. dez Cuſtomes de Court de Huſtings en Londres. Tit Gavelok.

**Shaw,** A Grove of Trees, or a Wood. i *Inſt.* fol. 4. b.

**Sherbet** (*Anno 15 Car. 2. cap. 11.*) Is a Compound Drink lately introduced in England from Turkey and Persia, and is made of Juyce of Lemmons, Sugar, and other ingredients: Another sort of it is made of Violets, Honey, Juyce of Raisins, &c. *Sherbert* in the Persian Tongue signifies pleasant Liquor.

**Sheriff**, So the Body of the Lordship of Cardiff in South Wales is called, excluding the Members of it. *Powells Hiſt. of Wales.* fol. 123.

**Sherringfeld**— The King granted to Richard Earl of Arundel a certain Rent in Surry

and Suffex called *Sherringfeld*, to the yearly value of 14 l. 19 s. 1 d. *Rer. Parl. 50 Ed. 3.* I believe miswritten for *Shiriff-geld*, a Rent formerly paid to or by the Shiriff; for it is there desired, that the Shiriff in his account may be discharged thereof.

**Shermans Craft,** Is a Craft or Occupation at Norwich, the Artificers whereof do Shear as well *Worſheads, Stamins, and Fuſtians*, as all other Woollen Cloth; and mentioned *Anno 19 Hen. 7. cap. 17. & 22, & 23 Car. 2. cap.*

**Shewing,** Is to be quit of Attachments in any Court, and before whomsoever in Plaints shewed, and not ayowed. See *Scavage.*

**Shilling** (*Sax. ſeilling*) Among our English Saxons, consisted but of Five pence. *Si in capillu ſit vulnus longitudinis unius Uncie V. denarius, i. uno ſolido compenatur.* LL. H. 1. c. 39.

**Shilwite,** *Eſt emenda pro transgreſſione facta in Nativam, eam impregnando.* MS. de Monast. Radingie penes Tho. Wollacot Arm.

**Ship-money,** Was an Imposition charged upon the Ports, Towns, Cities, Boroughs, and Counties of this Realm, in the time of King Charles the First, by Writs commonly called *Ship-writs*, under the Great Seal of England in the years 1635. and 1636, for the providing and furnishing certain Ships for the Kings service, &c. which (by Stat. 17 Car. 1. cap. 14.) was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subject, &c.

**Shipper al. Scripper** (*Anno 1 Jac. ſeſſ. 1. cap. 33.*) Is a Dutch word, signifying the Master of a Ship. We use it for any Common Seaman; and may be derived from the Sax. *ſcip*, a Ship.

**Shire** (*Comitatus*) From the Saxon *ſcip* or *ſcype*, i. To part or divide) Is well known to be a part or portion of this Land, called also a County. King Alfred first divided this Land into Shires, and those again into Hundreds and Tithings; Of which Shires there are in England Forty, and in Wales Twelve. In privilegiorum Charta ubi conceditur quietum eſſe a Shiris, intelligendum eſt de immunitate, qua quæ eximitur a ſecta vel clientela Curia Vicecomitum (quas etiam Shiras vocant) preſtanda vel perſcienda. The Affises of the Shire, or the Assembly of the people of a County, was called *ſcip-ſeinot* by the Saxons.

**Shirit or Shiret** (*Vicecomes*) quasi, *Shire-reve.* Sax. *ſcipe-geſepa*, i. *Pagi vel Comitatus Præpoſitus*, the Chief Officer, under the King, of a Shire or County. Camden (in his Britan. pag. 104.) thus describes his Office.

*Singulis vero annis, Nobilis aliquis ex incolis præſicitur, quem Vicecomitem, quaſi Vicarium Comitum, & noſtra lingua Shiret, i. Comitatus Præpoſitum, vocamus: Qui etiam Comitatus vel Provinciæ Quaſtor recte dici poſeſt. Ejus enim eſt, publicas pecunias Provinciæ ſuæ conquirere, multa irrogatas vel pignorum ablatis colligere, & arario inferre, Judicibus præſto adeſſe & co-*

rum mandata exequi, duodecim viros cogere, qui in causis de facto cognoscunt, & ad Judices referunt, (Judices enim apud nos Furis solum, non Facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus libris cognoscere, in majoribus autem jus dicunt Justiciarii, quos Itinerantes ad Assisas vocant, qui quorannis hos Comitatus bis adeunt, ut de Causis cognoscant, & Carceratis Sententiam ferant. Henricus secundus hos Itinerantes instituit, vel potius restituit. Ille (ut inquit Matth. Paris) consilio filii sui & Episcoporum constituit Justiciarios, per sex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus suum conservarent illesum.

Of the Antiquity and Authority of this Officer, read Cokes Rep. lib. 4. Mitton's Case; and Spelman's Glossarium, verbo, Vicecomes. The Shirriff was anciently chosen in the County Court by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See Fortescue, cap. 24. fol. 53. Vicecomes, dicitur, quod Vicem Comitatus supplet in placiis illis quibus Comes ex sua dignitate ratione participat cum Rege. Niger lib. Scaccarii. The Form of his Oath, see in the Reg. of Writs, fol. 531. b.

**Shire-Clerk**, Is he that keeps the County Court; his Office is so incident to the Sheriff, that the King cannot grant it. Mitton's Case 4 Rep.

**Shirif-tooth** contracted into **Stuth**— Per Shirif-tooth Johannes Stanley Ar. clamat habere de quolibet tenente infra feodum de Aldford unum denarium & quadrantem per annum, exceptis Dominicis, terris propriis & terris in feodo & Manerio predicto Maner. & Hundred. de Macclesfeld. Rot. Plac. in Itin. apud Cestriam 14 Hen. 7. Is was a Common Tax levied for the Sheriffs Diet. See Sherringeld. Yet in Derbyshire the Kings Bailiffs anciently took 6 d. of every Bovate of Land, is name of Sheriff-tooth. Ryleys Pla. Parl. fol. 653.

**Shireeweke** of **Winchester** and of **Essex**, (the compass or extent of a Sheriffs authority) Anno 21 Rich. 2. cap. 10. & 11. Sherifwikes. Anno 13 Eliz. cap. 22.

**Shirifalry** (Anno 14 Car. 2. cap. 21.) The time of ones being Sheriff.

**Shire-man** or **Schire-man**, Was anciently Judge of the County, by whom Trials for Land, &c. were determined, before the Conquest. Lamb. Peramb. pag. 442.

**Shire-mote**. See Shire and Tarn.

**Shop** (Shopa)— Omnibus— Johannes Horsnet de Hereford Bochar salutem. Noveritis me prafatum Johannem dedisse, &c. Rogero Smyth de Bromeyard unam Shopam cum pertin. suis in Bromeyard predict. scituat. in le Market-place ibidem, &c. Dat. 27 Febr. 9 Ed. 4. See Selda.

**Shorling** and **Morling**, Seem to be words to distinguish Fells of Sheep: **Shorling** signifying the Fells after the Fleeces are shorn off the Sheeps back; and **Morling** alia **Morling**, the Fells flean off after they die, or are killed.

Anno 3 Edw. 4. cap. 1. and 4 Ejusdem, cap. 3. Howbeit in some parts of England they understand by a **Shoring**, a Sheep whose Fleece is shorn off; and by a **Morling**, a Sheep that dies. See **Morling**.

**Sib & Som**. i. pax & concordia. Spelm. de Concil. 1. Tom. fol. 519.

**Sich** (Schetum & Sikettus) A little Current of Water, which is dry in the Summer. — Inter duos Sikettos, quorum unus cadit inter— Mon. Angl. 2 par. fol. 426. Also a Water-Furrow or Gutter.

**Sicut alias**, Is a Writ sent out in the second place, where the first was not executed. Coke, lib. 4. fol. 55. b. It is so called of these words expressed in it. As Carolus Dei gratia, &c. Vicecomiti Heref. salutem. Precipimus tibi (sicut alias precepimus) quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & capias A. B. de C. in Comitatu tuo gen. &c. Lambert in his Tract of Processes in the end of his Eiren.

**Sidemen**, rectius Synods-men (testes Synodales) are these that are yearly chosen in great Parishes (according to Custom) to assist the Church-wardens in the Enquiry, and presenting such offenders to the Ordinary, as are punishable in the Court Christian.

**Sidling**, Meers or Balkes betwixt or on the sides of arable Ridges or Lands. See But-tum terræ. Cum libertate falde & pasturæ & furariz in Suthlingis & omnibus locis. Mon. Angl. vol. 2. fol. 275. b.

**Sigillum**— Notum sit omnibus Christianis, quod ego Johannes de Gresley non habui potestatem Sigilli mei per unum annum integrum ultimo preteritum, jam notifico, in bona memoria & sana mente, quod scripta Sigillata Sigillo meo contradico & denego in omnibus a tempore predicto usque in diem restorationis Sigilli predicti. In cuius rei testimonium Sigillum Decanatus de Repingdon apposui. Testibus Domino Thoma Stafford Milite, Johanne Arden, &c. Dat. apud Drakelew, 18 Rich. 2. See Seal and Tabellion.

**Significavit**, Is a Writ which issues out of the Chancery, upon a Certificate given by the Ordinary, of a Man that stands obstinately excommunicate by the space of forty days, for the laying him up in prison without Bail or Mainprile, until he submit himself to the authority of the Church. And it is so called, because significavit, is an emphatical word in the Writ.

There is also another Writ of this name in the Register of Writs, fol. 7. a. directed to the Justices of the Bench, willing them to stay any sute depending between such and such, by reason of an Excommunication alleged against the Plaintiff; because the sentence of the Ordinary that did excommunicate him, is appealed from, and the Appeal yet depends undecided. See Fitz. Nat. Br. De Excommunicato capiendo, fol. 62 & 66. A. where you may find Writs of this name in other Cases, as Significavit



*pro corporis deliberatione.* Stat. 22 & 23 Car. 2. cap.

**Signet**, (Fr.) Is one of the Kings Seals, and is used in sealing His private Letters, and all such Grants as pass His Majesties hands by Bill as signed; which Seal is always in the Custody of the Kings Secretaries: And there are four Clerks of the Signet Office attending them. 2 Inst. fol. 556.

**Silkwinder** or **Throwster** (Anno 14 Car. 2. cap. 15.) Is a Trade, or Mystery, that winds, twists and Spins, or throws silk, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of Silk-winders and Doublers, which are Members of the same Trade. Anno 20 Car. 2. cap. 6.

**Silva Cedua.** See *Silva Cedua*.

**Simnel**, (Siminellus vel Symnellus) Panis purior, sic dictus, quod a simila, hoc est, puriori farina parte efficitur. Panis similagineus, Simnel-bread. It is mentioned in *Assisa Panis*, (and is still in use, especially in Lent.) Bread made into a Simnel shall weigh two hillings less then *Wastel* bread. Stat. 51 H. 3. see *Cocket*.

**Simon**, (Simonia) Venditio rei sacre, a Simone Mago dicta. It was agreed by all the Justices, Trin. 8 Jac. That if the Patron present any person to a Benefice with Cure, for Money, That such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the presentation to the King. Coke's 12 Rep. fol. 74. *Simony* may be by compact betwixt strangers, without the privacy of the Incumbent or Patron. Croke 1 Part, fol. 331. *Bawderoke's Case.* Hob. Rep. fol. 165. Noy's Rep. fol. 22. *Pascal's Case*, & 3 Inst. fol. 153.

**Simpler**—Carta simplex, A Deed-Poll, or single Deed—Richardus Mayhen de Sutton per Cartam simplicem huic indentura indentatam, dedit, &c. Dat. 22 Edw. 3. *Justiciarius simplex*, was anciently used for any Judge that was not Chief in either Court. There is a Writ Regiftred beginning thus, I John Wood, a simple Judge of the Court of Common Pleas, &c.

**Sine assensu Capituli**, Is a Writ that lies where a Dean, Bishop, Prebendary, Abbat, Prior or Master of Hospital, aliens the Land held in the right of his House, without the consent of the Chapter, Covent or Fraternity; In which case his Successor shall have this Writ, Fitz. Nat. Br. fol. 195.

**Sine die**, i. Without day. When Judgment is given against the Plaintiff, he is said to be *In misericordia pro falso clamore suo*, & ear inde sine die, i. He is dismissed the Court.

**Si non omnes**, Is a Writ of association, whereby, if all in Commission cannot meet at the day assign'd, it is permitted that two or more of them may finish the business. See *Association*, and Fitz. Nat. Br. fol. 185. & 111, &c.

**Si recognoscant**, Is a Writ that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a sum received of him in pecuniis numeratis. The form

of which Writ is this—*Rex vicecom. salutem Precip. tibi quod si A. recognoscat se debere R. 40. solidos, sine ulterius dilatione tunc ipsum distringas ad predictum debitum eidem R. sine dilatione reddendum, Teste, &c.* Old. Nat. Br. fol. 68.

**Site**, or **Scite**, (Situs) The setting, or standing of any place, the Seat, or Scituation of a Capital House or Messuage, or Ground whereon it stood. As we often find the Site of the late dissolved Monastery, i. The place where it stood—The word is found in the Stat. 32 Hen. 8. cap. 20. & 22 Car. 2. cap. 11. and is there written **Scite**.—*Dedi Situm loci in quo domus sua sita est.* Mon. Angl. 2 Par. fol. 278. b.

**Sithcundman**, (Sax.) Sithcundus, custos paganus interpretatur. Lamb. expl. verb. pag. 5. Such a gentleman as had the Office to lead the men of a Town or Parish. *E classe nobilium erat,* says Sommer. *Vir militaris Spelm.*

**Sithesocha** (Sax.) the Franchise or Liberty of a certain company of Men; a Hundred. Rot. P. 16 Hen. 2. Sometimes written *Sipesoca*. *Curia libera legalium hominum.*

**Skyvinage**, (Anno 27 Hen. 6. cap. 2.) Signifies the precincts of Calen.

**Slough-silver**, (Pat. 43 Eliz. pag. 11.) A certain Rent paid to the Castle of Wignore, and is in lieu of certain days work in Harvest, heretofore reserved to the Lord from his Tenants.

**Smalt** (Anno 21 Ja. cap. 3. and Pat. 16 Feb. 16 Ja. Ital. smalto) Is that of which Painters make Blew Colour.

**Smoke-silver**, (fumagium) Tenementum Newstede cum pertinens. &c. in villa de Staplebirf in Com. Cant. tenetur de manerio de East-greenwich per fidelitatem tantum in libero Soccagio. And by the payment for **Smoke-silver** to the Sheriff yearly the sum of six pence, Pat. 3 Feb. 4 Edw. 6 There is **Smoke-silver** and **Smoke-peny** paid to the Ministers of divers Parishes, as a *Modus* in lieu of Tythewood. And in some Mannors (formerly belonging to Religious Houses) there is still paid, as an appendant to the said Mannors, the antient *Peter pence*, by the name of **Smoke-money**. Sir Roger Twissdens Hist. Vindication. fol. 77. See *Chimney-money*.

**Sor**, (Sax.) Signifies power, authority, or liberty to minister Justice, and execute Laws: Also the Shire, Circuit, or Territory, wherein such power is exercised by him that is endued with such a privilege or liberty. Whence our Law Latin word *Soca* for a Seignory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his *Sockmen*, or *Socagers*, i. His Tenants, whose tenure is hence call'd *Socage*. This kind of liberty is in divers places of England at this day, and commonly known by the name of *Soke*, or *Soken*. Skene says *Sok*, (an old word, used in Charters and Feoffments, which are in sundry old Books, containing the Municipal Laws of this Realm) is called *Secula de hominibus suis in Curia*

*Curia secundum consuetudinem regni, &c.* See *Bracton*, lib. 3. Traſſ. 2. cap. 8. where he makes mention of these liberties, Soc, Sac, Tol, Team, *Infangthef* & *Urfangthef*. LL. Hen. 1. cap. 22. — *Sive Socam totaliter habent, sive non.* Soca id quod Franchefiam dicimus, i. Locus privilegiatus, liberus, immunitas, refugium, asylum, sanctuarium, a Sax. Socn & Socne, hæc ipsa significandibus.

**Socage**, or **Socage**, (*Socagium*) From the Fr. Soc, i. Vomer, a Plowshare, or Coulter) Is a tenure of Lands, by or for certain inferior or Husbandry services to be perform'd to the Lord of the Fee. See *Institutes of Common Law* 31 *Bracton*, lib. 2. cap. 35. numb. 1.) Describes its thus, *Dici poterit Soccagium a Socco, & inde tenentes qui tenent in Soccage, Sockmanni dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam, & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinebunt, &c.* Skene says, Socage is a Tenure of Lands, whereby a man is infeoffed freely without Wardship or Marriage, paying to his Lord some small Rent, &c. which is called *free-socage*; there was also *base Soccage*, otherwise called *Villanage*— *Bracton* adds— *Soccagium liberum est, ubi fit servitium in denariis Dominis capitalibus, nihil inde omnino datur ad scutum & servitium Regis.* This free Soccage is also called *common Soccage*, Anno 37 H. 8. cap. 20. Other divisions there are in our Law-Writers of Soccage in *Capite*, &c. But, by the *Statute* 12 Car. 2. cap. 24. all Tenures from and after 24 February, 1645, shall be adjudged and taken for ever to be turned into free and Common Soccage.

**Sockmans**, alias **Sokemans**, (*Sockmanni*) Are such Tenants as hold their Lands by Soccage Tenure; But, the Tenants in ancient De-mean seem most properly to be called *Sockmans*. *Fitz. Nat. Br. fol. 14. b. Britton, cap. 66. u. 2.* — *Progenitores Simonis Bokeley omnia sui in Houcton per liberum Sokagium tunc tenebant, & quieti erant de Sectis Curiarum, Consuetudinibus, exactionibus & demandis.* Lib.— S. Albani Tit. Houcton, cap. 1. *Liberi Sokemanni possunt dare aut vendere, sed ad voluntatem Domini; antenatus succedit in totum; averium masculum non vendere; filium non maritare, nisi dant Domino 3 s. 4 d. filium omnino facere Clericum.* Ex libro irrotulament. Ecclesie Christi Cantuar. fol. 211. The word *Sokeman* is found in the *Statute of Wards and Relief*, 28 Edw. 1. See *Bracton* lib. 2. cap. 35. n. 1. *Dugdale's Warwickshire*, fol. 170.

**Socna**, (*Sax. Socne*) A Priviledge, Immunity, Liberty or Franchise.— *Volo, ut ipsi sine eorum Sacæ & Socnæ; Theolonei etiam & Teami (privilegiorum scilicet & jurium sic appellavorum) digni intra tempus & extra tempus, &c.* Char. Canuti Regis, in *Hist. Eccl. Cath. S. Pauli*, fol. 189. See Soc.

**Socome**; signifies a Custody of grinding at the Lords Mill; And there is *Bond-Socome*, where the Tenants are bound to it, and Love-

*socome*, where they do it freely out of love to their Lord.

**Soke**, (*Anno 32 Hen. 8. cap. 15 & 20.*) Significat libertatem Curie tenentium quam Socam appellamus. *Fleta*, lib. 1. cap. 47. Sect. *Soke*. *Soke*, hoc est quod Prior habet sectam de homagiis suis ad Curiam suam, secundum communem consuetudinem regni Angliæ. Ex *Registro Priorat. de Cokeford*. Per *Soke Will. Stanley* in manerio suo de *Knottesford* clamat cognitionem Placitorum debiti, transgressionis, conventionis & detentionis infra summ. 40 sol. de aliis compa-tibus quibuscunque sine brevi. Pl. in *Itin.* apud *Cestriam*, 14 Hen. 7. *Soke*, i. *Aver Fraunche Court de ses homes*. MS. See Soc.

**Soken**, (*Soca.*) See Soc and *Hamsfoken*.

**Sokereve**, Seems to be the Lords Rent-gatherer in the *Soke* or *Soken*. *Fleta*, lib. 2. cap. 55.

**Solace**, (*Anno 43 Eliz. cap. 10.*) Puta mangonium aliquod ex colore aliquo adulterino pannis addito, ut pluris veneant. *Dr. Skinner*.

**Solarium**, A Solar, upper Room or Chamber,— *Unum Solarium vocat. a Loft.* *Carta antiqua*, sine dat. See *Soller*.

**Solda**.— *Pateat*— quod nos *Johannes Romayne senior de Leominstr.* & *Johannes Romayne junior de eadem remisimus*— *Johanni Mele vicario Ecclesie de Wygemore, Ricardo Boterel Constabular. Castri de Wygemore, & Fouke Sprengelose totum jus nostrum & clamium*— in una Solda cum pertinenciis in *Leominstr.* situatea in alto vico inter *Soldam* quondam *Ricardi Spicer* & *Soldam* que fuit *Philippi Cullinge*, &c. Dat. 2. Octobre, 19 Ric. 2. It seems to be the same with *Selda*, a Shop, or Shed.

**Solet & deber.** See *Debet & Solet*.

**Soletenant**, (*Solu tenens*) Is he or she that holds only in his or her own right, without any other joyned. For example, if a man and his wife hold Land for their lives, the remainder to their Son; Here the man dying, the Lord shall not have *Heriot*, because he dies not *sole-tenant*, *Kitchin*, fol. 134.

**Solicitor**, (*Solicitor*,) Signifies a man employ'd to follow and take care of Sutes depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial servants they were; but now too commonly used by others to the great increase of Champerty, and Maintenance, and Damage of the People.

**Solidata terra**. See *Fardingdeal of Land*. *Solidata* signifies also the pay or stipend of a Soldier. *Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum solidatas nostras.* Breve Regis *Johannis* vicecomitatibus Angliæ. Anno 1213.

**Solinus terra**— In communi terra *Sancti Martini* sunt 400 acre & dim. que faciunt duos *Solinos* & dim. *Domesday*. In which Book, this word is only us'd in *Kent*; and no other County. *Septem Solini terra sunt* 17 Carucate & dim. fol. 15.



**Seller or Solar.** (*Solarium*) A Chamber, or upper Room. *Dedi— unam Shoppan cum Solario super edificato.* Ex vet. carta.

**Solutione feodi militis Parliamenti,** and **Solutione feodi Burgen. Parliamenti.** Are Writs whereby Knights of the Shire, and Burgeses may recover their allowance, if it be deny'd, *Anno 35 Hen. 8. cap. 11.*

**Summons.** See *Summons.*

**Sontage,** Was a Tax of forty shillings laid upon every Knights Fee. *Stow, pag. 284.* In some places the word is used for course Cloth, as bagging for Hops, or the like. *Systema Agriculturae.*

**Sorcery,** (*Sortilegium*) Witchcraft, or Divination by Lots: Which is Felony, by 1 Jac. cap. 12. *Sortilegus, quia utitur sortibus in cantationibus Demonum.* 3. Inst. fol. 44. *Sorcery & devinal font members de Heresy.* Mirror, cap. 1. Sect. 5. Excepted out of the Act of General pardon. 12 Car. 2. cap. 11.

**Sorhale,** In *Bracton*, (*Lib. 3. Tract. 2. cap. 1.*) It is written *Sorhail*, but both conceived to be mistaken for *Scorale*, which vide. *Henrici autem tertii aetate hoc sublatum esse constat ex Bractone.*

**South-Vicount,**— (*Sub-vicecomes*) The Under-Sheriff, *Crompt. Jur. fol. 3.*

**Sown,** It is a corruption from the Fr. *Souvenir*, i. Remembred; for the Stat. 4 Hen. 5. cap. 7. in the Original French, hath *des Estreats nient souvenu*, which, by turning the two single u v, into w, was first made *Sowenu*, afterwards *Sown*; which properly signifies, remembred; And such Estreats and Casualties as are not to be remembred, run not in demand, that is, are leviable. It is used as a word of art in the Exchequer, where, *Estreats that sown not*, are such as the Sheriff by his industry cannot get; and *Estreats that sown*, are such as he may gather. 4 Part. Inst. fol. 107.

**Speaker of the Parliament,** Is an Officer in that High Court, who is, as it were the Common-Mouth of the rest, of which there are two, one termed, The Lord Speaker of the House of Peers, who is most commonly the Lord Chancellor of England, or Lord Keeper of the Great Seal; the other, (being a Member of the House of Commons) is called the Speaker of the House of Commons. The duties of which two you have particularly described in a Book, Entituled, *The Order and usage of keeping the Parliament.* See *Parliament.*

**Special matter in evidence.** See *General Issue*, and *Brooke*, tit. *General Issue*, and *Special Evidence.*

**Specialitas,** A speciality, is usually taken for a Bond, Bill, or such like Instrument— *Presentatum fuit per Juratores— quod quidam Johannes de Pratis habuit quandam uxorem amicabilem de cujus specialitate, Willielmus, filius Henrici Molendinarii, & similiter quidem alii malefactores fuerunt; Ita quod predicti malefactores venerunt ad lectum ipsius Johannis, ubi jacebat, & ipsum traxerunt ab eodem, & ipsum abinde duxe-*

*runt & tenuerunt, dum predictus Willielmus concubuit cum ea.* Pl. coram Rege apud Ebor. Mich. 1 Ed. 3. Rot. 123. Here it seems to be used for special, or particular acquaintance.

**Spigurnel.** *Galfridus Spigurnel*, was by King Henry the Third appointed to be Sealer of his Writs, and perhaps the first in that Office. Therefore in after times the persons that enjoy'd that Office were called *Spigurnels.* Pat. 11 Hen. 3. m. 7. & Claus. 4 Edw. 1. dorso. m. 6.

**Spinster.**— *Pollard miles & Judic. habuit 11 filios gladiis cinctos in tumultu suo, & eorundem filias tulus depictas.* Spelman in his *Aspilogia*, says— *Antiquis temporibus ipse Regina fustis use sunt, unde hodie omnes femine Spinsters dicte sunt.* It is the Addition usually given to all unmarried Women, from the Viscounts Daughter downwards. Yet Sir Edward Coke says *Generosa*, is a good addition for a Gentlewoman, and, if they be named *Spinster* in any Original Writ, Appeal, or Inditement, they may abate and quash the same. 2 Inst. fol. 668.

**Spiritualities of a Bishop** (*Spiritualia Episcopi*) Are those Profits which he receives, as he is a Bishop, and not as he is a Baron of the Parliament. (*Stamf. Pl. Cor. fol. 132.*) Such are the duties of his Visitation, his benefit growing from Ordaining and Instituting Priests, Prestation Money, that is, *subsidium charitativum*, which, upon reasonable cause, he may require of his Clergy, the benefit of his Jurisdiction, &c. *Jacobinus Stephanus de Jurisdic. lib. 4. cap. 14. num. 14.*

**Spittle-house,** (mentioned in the Act for Subsidies, 15 Car. 2. cap. 9.) is a corruption from *Hospital*, and signifies the same thing; it may be taken from the Teutonic *Spital*, an Hospital, or Alms-house.

**Spoliation,** (*Spoliatio*) Is a Writ that lies for an Incumbent against another Incumbent, in case where the right of Patronage comes not into debate. As if a Parson be made a Bishop, and has dispensation to keep his Rectory, and afterwards the Patron presents another to the Church, who is instituted and inducted; The Bishop shall have against this Incumbent a Writ of *Spoliation* in Court Christian. *Fitz. Nat. Br. fol. 36.* See *Benevolence.*

**Sponte oblata's,** So anciently free Gifts and Presents to the King, were called.

**Spullers of Warr,** (*Anno 1 Maria. Parl. 1. cap. 7.*) are those that work at the Spole. i. *Rota glomeratoria textorum*, qua fila rotando conglomerantur, says Dr. Skinner.

**Squalley** (*Anno 43 Eliz. cap. 10.*) See *Romey.* It is a note of faultiness in the making of Cloth.

**Stabilisatio venationis.**— *Qui monitus ad stabilitionem venationis, non ibat, l. sol. Regi emendabat.* Domesday. The driving Deer to a Stand, which is also called driving the *Wanlass.* — *Omnes Burgenſe de Bishop's Castle debent invenire unum hominem ter per annum ad Stabillamentum*

*pro. venatione capienda quando Episcopus voluerit.*  
Lib. niger Heref.

**Stablestand**, (*Stabili statio*, vel potius, *stans in stabulo*) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the Kings Dear in the Forest. *Maxwood, Par. 2. cap. 18. numb. 9.* the other three are *Dogsway*, *Backbear*, *Bloudy-hand*. This **Stablestand** is, when a Man is found at his standing in the Forest, with a Cross, or Long-Bow bent, ready to shoot at any Dear, or else standing close by a Tree with Greyhounds in a Lease, ready to slip.

**Stagiarus**, A Resident; as *J. B. Canonicus & Stagiarius Sancti Pauli*, signifies a Canon Resident of that Church, v. *Hist. of St. Paul's Church*. Hence an old Stager.

**Staguarium**. (*Rectius Stannarium*) A Timmine. *Rex, &c. Roberto de Curtenay: Concessimus Domina Regine matri nostre Cuncum & Stagnarium Devon. ad se sustinendum. Paten. Anno 1 Hen. 3.*

**Stagnes**, (*Stagna*) Ponds, Pools, or standing Waters—mentioned, *Anno 5 Eliz. cap. 21.* By the name of *Stagnum* or a Pool, the Water and Land shall pass also, *1 Inst. fol. 5. a.*

**Stalboat**, A kind of Fishers-boat. *Anno 27 Eliz. cap. 21.*

**Stalkers**; A kind of Fishing-Nets; mentioned, *Anno 13 Rich. 2. Stat. 1. cap. 20. & 17 ejusdem, cap. 9.*

**Stallage**, (*Stallagium*) From the Sax. *stall*. i. *Stabulum, statio* the liberty or right of pitching or erecting Stalls in Fair or Market, or the Mony paid for the same. *Quod si aliquis portaverit res suas ad forum & posuerit super Stallas, faciet redemptionem pro eis qualibet die Lunæ, vel semel pro toto anno. Ex Registro Priorat. de Cokesford.* See *Scavage*. In Scotland it is called *Stallage*, and among the Romans it was termed *Siliquaticum*.

**Stallum**. See *Terletum*.

**Standard**. See *Estandard*.

**Standardum Londini**. *Vobis mandamus quod Standardum Londini de hujusmodi mensuras diligenter assari & probari, ac alias mensuras per dictum Standardum fieri ad singulos Comitatus Regni, &c. Claus. 14 Ed. 2. m. 14. intus.*

**Standel**, Is a young store-Oak-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood, at the felling thereof. *Anno 35 Hen. 8. cap. 17. and 13 Eliz. cap. 25.*

**Stannaries**, (*Stannaria*, from the Lat. *stannum*, i. Tin.) Are the Mynes and Works where this Metal is got and purified, as in Cornwall, and elsewhere. Of which read *Cam. Brit. pag. 119.* The liberties of the *Stannarymen*, granted by Edward the First, before they were abridg'd by the Statute of 30 Edw. 3. See in *Plowden, casu Minet. fol. 327.* and *Cokes 12 Rep. fol. 9.* And the liberties of the *Stannary Courts*, see *Anno 17 Car. 1. cap. 15.* of which Courts there are four in Devon, and four in Cornwall.

**Staple**, (*Stapulum*) Signifies this or that Town or City, whither the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyn, and such like *Staple Commodities* of this Land, for the utterance of them by the Great. The word comes from the Fr. *Estape* i. *Forum vinarium*, a Market, or Staple for Wines, which is the principal Commodity of France. And, in an old French Book, thus—*A Calais y avoite Estape de la laine, &c.* i. The Staple for Wood. You may read of many places appointed for this Staple in our Statutes, according as the King thought fit to alter them, from 1 Ed. 3. cap. 9. to 5 Ed. 6. cap. 7. What Officers the Staples had belonging to them, you may see *Anno 27 Ed. 3. Stat. 2. cap. 21.* The *Staple Commodities* of this Realm are, *Wool, Leather, Woolfells, Lead, Tin, Butter, Cheese, Cloth, &c.* as appears by the *Stat. 14 Ric. 2. cap. 1.* though some allow only the five first. See 4 *Inst. fol. 238.*

**Star** (*Starrum*) A contraction from the Hebrew *Shtar*, which signifies a Deed or Contract. All the Deeds, Obligations, and Releases of the Jews were anciently called *Stars*, written for the most part in Hebrew alone, or else in Hebrew and Latin; one of which yet remains in the Treasury of the Exchequer, written in Hebrew without pricks, in King Johns Reign; the substance whereof is thus expressed in Latin just under it, like an English Condition, under a Latin Obligation. *Isud Star fecit Hagius filius Magri de London Domino Ade de Stratona, de acquietancia de Stanmore de omnibus debitis in quibus Dominus S. de Cheyndur ei tenebatur, Ita quod idem Judeus nec heredes sui nihil exigere possint de predicto Ade nec de heredibus suis ratione terre de Stanmore de predictis debitis.* See the Plea Rolls of Pasche 9 Ed. 1. Rot. 4, 5, 6, &c. where many Stars, as well of Grant and Release, as Obligatory, and by way of Mortgage, are pleaded and recited at large.

**Star-chamber**, (*Camera stellata*, Otherwise called *Chamber des Estoils*) Was a Chamber at Westminster, so called, because at first all the roof thereof was decked with Images of gilded Stars. *Anno 25 Hen. 8. cap. 1.* It is written the *Sterred Chamber*. Henry the Seventh and Henry the Eighth ordained by two several Statutes, (*viz. 3 Hen. 7. cap. 1. and 21 Hen. 8. cap. 2.*) That the Chancellor, assisted by others there named, should have power to hear complaints against Retainers, Embraceors, Misdemeanors of Officers, and such other offences, which, through the power and countenance of such as did commit them, did lift up the head above other faults, and, for which, inferior Judges were not so meet to give correction, and the Common-Law had not sufficiently provided. And, because that place was before dedicated to the like service, it was still used accordingly. See *Camden, pag. 112, 113.* But, by the *Stat. 17 Car. 1. cap. 10.* the Court commonly called the *Star-Chamber*, and all Jurisdiction, Power and



and Authority thereto belonging, &c. are, from and after 1 August, 1641, clearly and absolutely dissolved, and determined.

**Starling.** See *Sterling*.

**Statute,** (*Statutum*) Has divers significations. First, it signifies an Act of Parliament made by the King and his three Estates of the Realm; in which sense it is either general or special. *Coke, lib. 4. Holland's Case.* Secondly, *Statute* is a short Writing, called a *Statute-Merchant*, or *Statute-Staple*, which are in the nature of Bonds, (*Anno 5 Hen. 4. cap. 12.*) and are called *Statutes*, because made according to the form expressly provided in certain *Statutes*, which direct both before what persons, and in what manner they ought to be made. *West, par. 1. Symbol. lib. 2. Sect. 151.* defines a *Statute-Merchant* to be a Bond acknowledged before one of the Clerks of the *Statutes-Merchant*, and Mayor of the *Staple*, or chief Warden of the City of *London*, or two Merchants of the said City for that purpose assigned, or before the chief Warden, or Mayor of other Cities or good Towns, or other sufficient Men for that purpose appointed; sealed with the Seal of the Debtor, and of the King, which is of two pieces, the greater is kept by the said Mayor, &c. and the less by the said Clerk. The form of which Bond *Fleta, (lib. 2. cap. 64. Sect. 2.)* thus delivers—*Noverint universi me N. de tali Comitatu teneri M. in Centum Marcis, solvendis eidem M. ad Festum Pent. Anno Regni Regis, &c. Et nisi fecero, concedo quod currant super me & heredes meos districtio & pena provisa in Statuto Domini Regis edito apud Westm. Datum London. tali die.*—The Fee for the Seal is, for *Statutes* acknowledged in Fairs, for every pound a half-penny, and out of Fairs a farthing. The execution upon *Statute-Merchant* is first to take the Body of the Debtor, if he be lay, and can be found, if not, his Lands and Goods; and is founded on the Statute 13 Ed. 1. Stat. 4. See *New Book of Entries*, verbo, *Statute-Merchant*.

*Statute-Staple* is either properly so called, or improperly; Properly, is a Bond of Record acknowledged before the Mayor of the *Staple*, in the presence of one of the two Constables of the same *Staple*; The Fee for the Seal is, of every pound, (if the same exceed not 100 l.) a half-penny, and if it exceed 100 l. a farthing; By virtue of which *Statute* the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor, and this is founded on the Statute 23 Ed. cap. 6. A *Statute-Staple* improper, is a Bond of Record, founded upon the Statute 23 Hen. 8. cap. 6. of the nature of a proper *Statute-Staple*, as to the force and execution of it, and acknowledged before one of the Chief Justices, and in their absence before the Mayor of the *Staple* and Recorder of *London*. The forms of all which Bonds or *Statutes* see in *West, Part 1. Symbol. lib. 2. Sect. 152—154, &c.*

*Statutes* or *Statute-Sessions*, Otherwise called

*Petty-Sessions*, are a meeting in every Hundred of all the Shires in *England*, where, by custom, they have been used, whereunto the Constables do repair, and others, both Householders and Servants, for the debating of differences between Masters and their Servants, the rating of Servants Wages, and the bestowing such People in service, as, being fit to serve, either refuse to seek, or cannot get, Masters, *Anno 1 Eliz. cap. 4.*

**Statuto Stapule,** Is a Writ, that lies to take his Body to Prison, and to seise upon his Lands and Goods who hath forfeited the Bond, called *Statute-Staple*. *Reg. of Writs, fol. 151.*

**Statutum de laborariis,** Is a Writ Judicial, for the apprehending such Labourers, as refuse to work according to the Statute. *Reg. Judic. fol. 27. b.*

**Statutum mercatorium,** Is a Writ for the Imprisoning him, that has forfeited a Bond called *Statute-Merchant*, until the Debt be satisfied. *Reg. of Writs, fol. 146. b.* and of these there is one against Lay-persons, another against Ecclesiastical.

**Staurus,** In old Records and Accounts is used for a stock of Cattle. *Fide Instaurum.*

**Stemneitroch,**—*Nec non libertate multare sue in molendino ipsius Roberti, &c. quod sint Stemneitroch & Coltroch.* *Mon. Angl. 2 Par. fol. 293. b. quere.*

**Stennerie,** Is used for the same with *Stanneries* in the Statute 4 Hen. 8. cap. 8. See *Stanneries*.

**Strozesman,**—*Si sui bonis spoliato, de navi compertum fuerit, reddat Strozesman, i. Navarchus, bona sive pecuniam illam.* *LL. Mariaz Ethelredi Regis, apud Bromton.* We yet retain the name *Steers-man* or *Pilot*. See *Sturemannus*.

**Strebrech,** alias **Strebrech,** Is the breaking, obstruction, or diminution of a way, or the turning it out of its right course; from the old English word *Stre, i. Via,* and *Brech, fractio, violatio*; hence to go *astrey*, or as we now write it *stray, i. To go out of the way.* *Strebrech 100 sol. emendet. Leg. Hen. 1. cap. 81. Strebrech est, si quis viam frangat, concludendo, vel avertendo, vel fodiendo, MS.*

**Sterling,** (*Sterlingum*, and in old Records *Sterilensis*) Was the ancient Epitheton for money (properly of Silver) currant in this Realm; Stat. of *Purveyors, cap. 13.* and took name from this, that there was a certain pure Coyn, stamped first in *England* by the *Easterlings*, or Merchants of *East-Germany*, by the command of King *John*. Accordingly *Hoveden* writes it *Esterling*: And, in several old Deeds I have seen *vint livres d'Esterlinges*. By the Stat. 31 Ed. 1. the Penny, which is called the *Sterling*, round, and without clipping, weighs 32 grains of Wheat, well dried, and twenty pence make an ounce, and twelve ounces a pound, and eight pound a Gallon of Wine, and eight Gallons a Bushel, which is the eight part of

of a *Quarter*—The word *Sterling* is now much disused, in stead of five pound *sterling*, we say five pounds of currant, or lawful, English Money. See more of this word in the *Sax. Dist. verbo, Scothan.*

**Stews, or Stuez,** Are those places, which were permitted in *England* to Women of professed Incontinency, for the proffer of their bodies to all comers; and is derived from the *Fr. Estuves*, (i. *Thermae, Balneum*) because wantons are wont to prepare themselves for venereous acts, by *bathing*; And, that this is not new, *Homer* stews in the eight Book of his *Odys.* where he reckons *Hot Bathes* among the effeminate sort of pleasures. See the Statute of 11 *Hen. 6. cap. 1.*—*Henry the Eighth* about the year 1546, forbade them for ever.

**Steward** (*Senescallus*) Is compounded of the *Sax. Steda, i. Room, Place or Stead*, and *Wart*, as much as to say, a man appointed in my place or *stead*; and hath many applications, yet always signifies an Officer of chief account within his Jurisdiction. The greatest of these is the *Lord High-Steward of England*, which was anciently the inheritance of the Earls of *Leicester*, till forfeited to *Henry the Third* by *Simon de Mountfort*; but, the power of this Officer being very great, of late he has not usually been appointed for any long time, but only for the dispatch of some special business, at the Arraignment of some Noble-man in case of Treason, or such like, which once ended, his Commission expires. Of the High-Steward of *England's* Court you may read 4 *Inst. fol. 59.* Then is there the *Steward of the Kings Household*, *Anno 24 Hen. 8. cap. 13.* whose name was changed to that of *Great-Master*, *Anno 32 ejusdem, cap. 39.* But, this Statute was repealed by 1 *Mar. 2 Parl. cap. 4.* and the Office of *Lord Steward of the Kings Household* revived, where you may read much of his Office; as also in *Fitz. Nar. Br. fol. 241. b.* Of this Officers ancient power read *Fleta, lib. 2. cap. 3.* This word is of so great diversity, that there is in many Corporations, and in all houses of Honour, throughout the Realm, an Officer of this name and authority. What a *Steward* of a Mannor or Household is, or ought to be, *Fleta* fully describes, *lib. 2. cap. 71, & 72.* Though *Senescallus* be now the usual Latin for *Steward*, yet I have seen a Copy of Court-Roll of *Mardyn* in *Herefordshire*, (17 *Edw. 4.*) concluding thus,—*Et huic Copia sigillum Locumtenentis est appensum.*

**Stick of Cels** (*Stat. Composit. ponder. & mensur.*) Bind *anguillarum* constat ex 10 *Sticks* & quælibet *Stick* ex 25 *anguillis.* v. *Mon. Angl. 2 par. fol. 880. a. 40.* I find it in some Records latined *Brochus anguillarum.*

**Stickler,** Was a small Officer, who cut Wood for the Priory of *Inichester* within the Kings Parks of *Clarendon.* *Rot. Parl. 1 Hen. 6.*

**Stilliard,** Otherwise called the *Stylehouse*, in the Parish of *Alballows* in *London*, was by Authority of Parliament, *Anno 14 Edw. 4.* assigned to the Merchants of *Hans* and *Almain*

for ever, with other Tenements, rendring to the Mayor of *London* yearly 70 *l. Rot. Parl. 14 Edw. 4.* In some Records it is called *Guild-hal'da Teutonicorum.* And, as some write, it was so called of a broad place or yard, wherein *Steel* was much sold, upon which place that House was founded. See *Hanse.*

**Stipula,** stubble, left standing in the Field after the Corn is reaped.—*Dedi unam cartatam foragium, & duas acras Stipule, &c. 11 Ed. 2. Præterea concessi eidem Radulfo & heredibus suis habere octo animalia & sex porcos in dominica pastura mea & in stipulis meis quæta de consuetudine imperpetuum, &c. Carta Sewali de Oflavil, facta coram Hallimoro suo de Hildesley, Anno MCCV.*

**Stiremannus.** *Domesday.* See *Stuemanus.*

**Stor and Stobel,**—*Præterea si homines de Stanhal dicti Abbatis inventi fuerint in bosco prædicti W. cum forisfacto ad Stor & ad Stobel, (al. Stobene) malefactor pro delicto, qui taliter inventus est, reddet tres solidos—Similiter concessum est, quod si aliquis inventus fuerit cum brachis quercuum, vel cum aliis minutis locis, cum forisfacto illo ad Stor & ad Stobel, malefactor ille reddet sex denarios. E quadam Carta conventionum inter Will. de Bray & Abbæ. & Conv. de Ofiney. See Zuche.*

**Stockikind.** See *Gavelkind.*

**Storal.**—Also moreover we have granted, in amendment of the City, that they bin all quit of *Bryztchel*, of *Childwir*, *Zeresgen*, and of *Storall*; So that no *Sheriff* of *London*, neither none other *Wylly*, make *Storal* in the *Franchis* aforesaid, &c. This I find in an old Printed Book, which delivers it (*inter al.*) As the Charter of *Hen. 1.* to the City of *London*; but, the word is without doubt mistaken for *Scotale.*

**Stone of wool,** (*petra lana, Anno 11 Hen. 7. cap. 4.*) Ought to weigh fourteen pounds, yet in some places by Custom it is more, and in some places it is but twelve pounds and a half, and 26 *Stone of Wool* make a *Sack.* *Rot. Parl. 17 Ed. 3. Le Charre de plumbo constat ex 30 formellis & quælibet formella continet 6 petras exceptis duabus libris, & quælibet Petra constat ex 12 libris. Compositio de ponderibus. A Stone of Wax is eight pound. And, at London, the Stone of Beef is no more. See Weights and Sarples.*

**Stobene.** See *Zuché.*

**Stowage,** (From the *Sax. stōp. Locus*.) Is the Room or Place where Goods are laid, or the money that is paid for such place.

**Straits or Streits** (*Anno 18 Hen. 6. cap. 16. and 1 Rich. 3. cap. 8.*) A sort of narrow, course Cloth, or Kersey, anciently so called.

**Stranded** (from the *Sax. Scpand, i. A Shore or Bank of the Sea, or great River*) Is when a Ship is by tempest, or ill steerage run on Ground, and so perishes. *Stat. 17 Car. 1. cap. 14.* See *Strond.*



**Estra**. i. Si aliquod animal casu erraverit, & infra libertatem Prioris advenit, & a Ballivis ejus captus fuerit, ducetur ad Pynfoldam, & ibi servabitur per unum annum & unum diem; si nemo illud clamaverit infra illud tempus, erit Priori: Si autem venerit quis & legitime probaverit illud esse suum, dabit pro quolibet pede unum denarium, & solvet expensis que facte fuerant, & rehabebit bestiam suam. Ex Registro Priorat. de Cokesford, see *Estray*.

**Stranger** (Fr. *Estranger*) Signifies generally a Man born out of the Realm, or unknown, but in Law it hath a special signification for him that is not privy, or party to an Act: As a Stranger to a Judgment, (*Old Nat. Br. fol. 128.*) is he to whom a Judgment does not belong, and herein it is directly contrary to party or privy. See *Privy*.

**Stream-works** (*Anno 27 Hen. 8. cap. 23.*) Is a kind of work in the Stanneries. Of these Mines or Tin-works (says Camden in his *Britan. fol. 184.*) there are two kinds; the one called Lode-works, the other Stream-works: This lies in lower Grounds, when by Trenching they follow the Veins of Tin, and turn aside now and then, the streams of Water coming in their way: The other is in high places, when upon the Hills they dig very deep Pits, which they call Shafts, and undermine.

**Strebrech** vel **Sterbrech** (Sax. *ſtpe, Seia & bþice, fractio*) the breaking, turning or lessening of a way. *LL. Hen. 1. cap. 10. occurrit Strebrech.*

**Streman** (Sax.) id est, robustus, vel potens vir. *Lelandi Coll. Vol. 2. pag. 188.*

**Stretegavel** or **Strerigavel**, i. Quilibet tenens in Manerio de Cholinton dabit 2 s. pro ita & reditu. *MS. de temp. E. 1.* Every Tenant of that Mannor (in Com. *Suffex*) paid yearly 2 s. (for his going out, and returning into it) to the Lord of the Mannor, by the name of *Strerigavel*. *Mich. 4 Edw. 1. Coram Rege. Antiquity of Purveyance, fol. 222.*

**Strit** (*Streptus*) Destruction, Mutilation; From the Fr. *Estrapier*, i. Mutilare, detruncare radicibus—*Streptum & vastum facere*, i. To make Strip and Waste, or Strop and Waste. See *Estreapment*.

**Streteward**. Per Streteward Johannes Stanley Ar. clamat quod Servientes pccu & Ministri sui infra Feodum de Aldford capere debent de qualibet fuga catallorum iv d. *Rot. Pla. in Itinere apud Cestriam 14 H. 7.* This word is also found in several ancient Charters granted to the Bishops of *Hersford*, and registred in the *Black Book* there. See *Marketzeld*.

**Strond** (Sax.) A Shore or Bank of the Sea, or a great River. *Ricardus Rex—Notum facimus vobis nos concessisse—Deo & Sancto Albano Ecclesie sue Sancti Oswyni de Tyneworth, Celle S. Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum Sacha, Socca, Over Strond & Strreme, on Wode & Felde, Toll, Them, & Gribbing, Hamscene, Murdrum & Forestal, Danegeld, Infange-*

*nethof, & Vsfangenthesf, Flemmenesfreneth Boldwit, Wrec, &c. Dat. 4 Nov. Anno 1 Regni nostri apud Cant. Du Stronde & Strreme, on Wode & Felde.—Vocet Anglica veteres, & in antiquioris ævi Chartis crebro reperta; Privilegium sapiunt, seu potius privilegii latitudinem sive amplitudinem, & sic Latine legantur, in litore, in fluviis, in silva & Campo. Glots. in x Scriptores.*

**Strumpet** (*Meretrix*) Was heretofore used for an Addition—*Fr. present. &c. Quod Johannes le Maynwaringe de Watercroft de Com. Cestria Esq; Laurentius le Waren de Davenham Esq; &c. Hugo de Sondebache Toman, Hopkin Norman de Com. Cestr. Husband-Knave, Willielmus le Birchewode de Clyve Knave, cum plurimis aliis, & Agnes Cawes de Medio Wico de Comitatu Cestr. Strumpet—Tali die domum Ranulphi Madock vi & armis—frigerunt, &c. Pla. apud Cestriam 6 Hen. 5. m. 2. in dorso.*

**Strut**—*Libere vendendi & emendi, tam in Cestria, quam in Comitatu & Wicis, ubi non fuit Lex ulla, omnia sine Toll & Sud, præter sal & equos, &c. Mon. Angl. 2 Par. fol. 187. b.* A Stud or Segde of Mares; is a company of Mares kept purposely for breeding Colts; from the Sax. *Stodmyppa*. i. aqua ad forum.

**Sturemannus & Stiremannus**, A Steersman or Pilot of a Ship. *Rex—omnibus Sturemannis & Marinellis & Mercatoribus Anglie per mare itinerantibus salutem—Rot. Pat. 9 Joh. m. 1. n. 3.*

**Stuth**—*Per Stath clamat esse quier. de exactione pecunie a singulis villis—Per Vicecom. Comit. Cestria. Pl. in Itin. ibid. 14 Hen. 7.* It is the same with *Sherifs-coath*. Which see.

**Submarshal** (*Submarescallus*) Is an Officer in the Marshalsea, who is Deputy to the Chief Marshal of the Kings-house, commonly called the Knight Marshal, and hath the custody of the Prisoners there. *Crompt. Jurisd. fol. 104.* He is otherwise called *Under-Marshal*.

**Subornation** (*Subornatio*) A secret or underhand preparing, instructing, or bringing in a false witness; or corrupting or alluring unto leudness. Hence *Subornation of Perjury* (mentioned in the Act of General Pardon. 12 Car. 2. cap. 3.) is the preparing, bringing in or alluring unto Perjury. *Subornation of Witnesses*. 32 Hen. 8. cap. 9.—3 Part. *Instis. fol. 167.*

**Subjuncta**, Is a Writ whereby common persons are called into Chancery, in such Case only, where the Common Law fails, and hath not provided: So as the party, who, in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law; many examples whereof you may read in *West, Pax. 2. Symbol. sic. Proceedings in Chancery, sect. 18.* But Peers of the Realm in such Cases are called by the Lord Chancellors Letter, giving notice of the Sute intended against them, and requiring them to appear. There is also

also *Subpena ad Testificandum*, which lies for the calling in of Witnesses to *testifie* in any Cause, as well in Chancery as other Courts. And the name of both proceeds from words in the Writ, which charge the party called to appear, at the day and places assigned, *Subpena Centum librarum, &c. Crompt. Jurisd. fol. 33. Anno 15 Hen. 6. cap. 4.*

**Subsidium Cathedralicum.** See Cathedralic.

**Subsidy (Subsidium)** Signifies an Aid, Tax, or Tribute, granted by Parliament to the King, for the urgent occasions of the Kingdom, to be levied of every Subject of ability, most commonly after the rate of 4 s. in the pound for Land, and 2 s. 8 d. for Goods.

**I** Do not find, that the Saxon Kings had any Subsidies collected after the manner of those at this day; but they had many Customs whereby they levied Money of the people, or personal service towards the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called *Burgbote, Brigbote, Herefare, Heregelo, &c.* But, when the Danes oppressed the Land, King Egilredus in the year 1007 yielded to pay them for redemption of Peace 10000 l. which after was increased to 36000 l. then to 113000 l. and at last to a yearly tribute of 48000 l. This was called *Danegeld*, i. Danica solutio. And, for levying it, every Hide of land, that is, every Plough-land was cessed 12 d. yearly, the Church-lands excepted; and thereupon it was after called *Hydagium*, which name remained afterward upon all Taxes and Subsidies imposed upon Lands; for, sometimes it was imposed upon Cattel, and was then called *Hornegeld*. The Normans called both these sometimes, according to the Latin and Greek word, Taxes, sometimes, according to their own language, *Tallagium*, of *tallier*, to cut or divide; And sometimes, according to the word usual beyond the Seas, *auxilia* & *subsidia*. The Conqueror had these kind of Taxes or Tallages, and made a Law for the manner of levying them, as appears in *Emendationibus ejus*, pag. 125. Sect. volumis & hoc firmiter, &c. After the Conquest these Subsidies seem to have been granted in other manner than now they are; as, every ninth Lamb, every ninth Fleece, and every ninth Sheaf, Anno 14 Edw. 3. Stat. 1. cap. 20. Of which you may see great variety in *Rastals Abr. Tir. Taxes, Tenths, Fifteenths, Subsidies, &c.* and 4 Inst. fol. 28 & 33. whence you may conclude, there is no certain rate, but as the Parliament shall think fit. *Subsidy* is, in our Statutes, sometimes confounded with *Custom*, Anno 11 Hen. 4. cap. 7. See *Benevolence*, and 15 Car. 2. cap. 7.

**Succissiones Arborum.** The croppings of Trees. *Et prædicta G. habebit Succissiones Arborum ad includendum prædictum Messuagium, &c. Carta Jo. Bayly dat. 2. Hen. 5.*

**Sucking.** Per *Sucking*, hoc est fore quiet. de illis amerciamendis quando se Burlimen, id est,

*supervisores del Ringyord, id est, Clansar. que vocat. le Chiminfeldes vel common Meadows, & præmonit. fuerint ad imparcand. & faciend. clausuras illas simul cum vicinis suis, ille qui non venit ad talem præmonitionem amerciatu erit ad pretium unius vomeris, Anglice a Shuck, præti quatuor denar. & hoc quotiescunque præmonit. non venerit. Pla. in Itin. apud Cestriam, 14 Hen. 7.*

**Sufferentia.**— Pro quadam Sufferentia pacis cum illis habenda, per unum annum duratura. *Clans. 16 Edw. 3. pag. 2. m. 26.* seems to signify a Truce.

**Suffragan.** (*Suffraganus, Coadjutor*) Is a titular Bishop, ordained to assist the Bishop of the Diocese in his Spiritual Function. Sir Edw. Coke, (2 Inst. fol. 79.) calls him a Bishops Vice-gerent.— *Dicuntur (Episcopi) qui Archiepiscopo suffragari & assistere tenentur*, says *Spelman*. Et *Suffraganei dicuntur, quia eorum suffraganis cause Ecclesiasticae judicantur*. It was enacted, (Anno 26 Hen. 8. cap. 14.) that it should be lawful for every Diocesan at his pleasure to elect two honest and discreet Spiritual persons within his Diocese, and to present them to the King, that he might give the one of them such Title, Style, Name and Dignity of such of the Sees in the said Statute specified, as he should think convenient, &c. and that every such person shall be called *Bishop Suffragan* of the same See, &c. *Cam. in his Britan. Tir. Kent*, speaking of the Arch-bishop of *Canterburie* Suffragans, says, When the Arch-bishop is busied in weightier Affairs, they manage for him matters that pertain to Order only, and not to the Episcopal Jurisdiction. Others call them *Subsidiary Bishops*; whose number is limited by the said Statute.

**Suite, or Sute, (Secta)** Fr. *Suite*, i. *Consecutio, sequela*) Signifies a following another, but in divers senses; the first is a *Sute in Law*, and is divided into *sute real* and *personal*, which is all one with *Action real* and *personal*. 2. *Sute of Court*, or *Sute-service*, is an attendance which a Tenant owes to the Court of his Lord, (Anno 7 Hen. 7. cap. 2.) 3. *Sute-Covenant*, is, when your Ancestor has Covenanted with mine to *sue* to his Court: 4. *Sute-Custom*, when I and my Ancestors *Sute* time out of mind. 5. *Sute-real*, or *regal*, when men come to the Sheriffs Turn, or Leet. 6. *Sute* signifies the following one in Chase, as *fresh-sute, Westm. 1. cap. 46*. Lastly, it signifies a Petition made to the King, or any great person.

**Sute of the Kings Peace, (Secta pacis Regis)** Is the pursuing a man for breach of the Kings Peace, by Treasons, Insurrections, or Trespases, Anno 6 Rich. 2. Stat. 2. cap. 1. and 27 ejusdem, cap. 15, & 5 Hen. 4. cap. 15.

**Sute-silver.** See *Sute-silver*.

**Sulhery** (from the Sax. *juth*, i. *aratum*) signifies a Plow Land, 1 Inst. fol. 5. a.

**Sullings.** Sir Edw. Coke (in 1 Inst. fol. 4. b.) says, are taken for Alders. i. *alni arbores*— but *quere*, for



for *Sulings* are the same with *Swolings*, which see.

**Summa**, A Seam or Horse-load ; In some places a Seam of Corn is reckon'd eight strikes, in others (more properly) but four. *Summa vini*— *Md. quod Anno Domini 1240. Sedata est concordia, que orta fuit inter Dominum Robertum le Wafre mil. ex parte una & Dominum Reginaldum Priorem Brecon. ex altera, super quodam angulo terræ de Hundret da— dabit unam Summam vini— Et si forte delinquens non habeat unde solvat, jacebit in Carcere Domini sui per unum mensem, &c.* A Seam or horse-load of Wine.

**Summage**. See *Sumage*, & *Seme*.

**Sumage**, or **Sumage**, (*Sumagium* & *Summagium*, a Horse-load) Toll for carriage on Horseback. *Cromp. Fur. fol. 91. Forestarius capiat— pro uno equo qui portat summagium, per dimidium anni, obolum— Charta de Foresta, cap. ante-penult. & Char. Edw. 1. numb. 17.*

**Sumeter del Roy**. Perhaps the Kings Sumpter man. q.

**Summoneas**, Is a Writ Judicial of great diversity, according to the divers cases wherein it is used ; which see in the Table of the Reg. judicial.

**Summoner**, (*Summoniter*) Is a small Officer that calls or cites men to any Court ; These ought to be *boni homines*, that is in *Fleta's* Judgment, *liberi homines*, & ideo *boni, quia terras tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciariorum vicecomiti directum, parati inde facere recognitionem*, lib. 4. cap. 5.

**Summons**, (*Summonitio*) Signifies with us, as much as *vocatio in jus*, or *Citatio* among the Civilians ; and thence is our word *Summoner*, which in French is *Somoneur*, (i. *Vocator*, *Monitor*.) *Summons* of the Exchequer, *Anno 3 Edw. 1. cap. 19.* How *Summons* is divided, and what circumstances it has to be observed. See *Fleta*, lib. 6. cap. 6, 7.

**Summons in terra p'tita**, (*Kitchin*, fol. 286.) Is that *Summons* which is made upon the land, which the party (at whose Suite the *Summons* is sent forth) seeks to have.

**Summons ad Warrantizandum**, (*Dyer*, fol. 69. numb. 35.) *Summoneas ad Warrantizandum*, Is the Process whereby the Vouchee is called. See *Coke on Litt. fol. 101. b.*

**Sumptuary Laws**, Are Laws made to restrain excess in Apparel, and prohibit costly Cloaths, of which we have anciently had many in England, but all repealed, *Anno 1 Jac.* See 3 *Inst. fol. 199.*

**Super-institution**, (*Super institutio*) One Institution upon another, as where *A.* is admitted and instituted to a Benefice upon one Title, and *B.* is admitted, instituted, &c. by the presentment of another. See *Hutchin's Case in Croke's Rep. 2 Par. fol. 463.*

**Superoneratione pasturæ**, Is a Writ Judicial that lies against him, who is impleaded

in the County, for the over-burdening a Common with his Cattel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the King's Court at *Westm.*

**Super prerogativa Regis**, Is a Writ which lay against the King's Widow, for Marrying without his Licence. *Fitz. Nat. Br. fol. 173.*

**Supersedeas**, Is a Writ, which lies in divers cases, and signifies in general a Command to stay or forbear the doing that which ought not to be done, or, in appearance of Law, were to be done, were it not for the cause whereon the Writ is granted. For example, a man regularly is to have surety of Peace against him, of whom he will swear he is afraid, and the Justice, (if required) cannot deny it ; yet, if the party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies to stay the Justice from doing that, which otherwise he might not refuse. See the Table of the Reg. of Writs, and *Fitz. Nat. Br. fol. 236.* for preventing the superseding Execution. See the Statute 16 & 17 Car. 2. cap. 8.

**Super Statuto Edw. 3. versus Servantes and Labourers**, Is a Writ that lies against him, who keeps my Servants departed out of my service against Law. *Fitz. Nat. Br. fol. 167.*

**Super Statuto de Poik, quo nul terra viteller, &c.** Is a Writ lying against him, that uses Victualling, either in Grofs, or by Retail, in a City, or Borough-Town during the time he is Mayor, &c. *Fitz. Nat. Br. fol. 172.*

**Super Statuto, 1 Edw. 3. cap. 12 and 13.** Is a Writ that lay against the Kings Tenant holding in Chief, who alienated the Kings Land without his Licence. *Fitz. Nat. Br. fol. 175.*

**Super Statuto facto pour Beneshal & Marshal de Roy, &c.** Is a Writ lying against the Steward or Marshal, for holding Plea in his Court of Freehold, or for Treipsals, or Contracts, not made within the Kings Household. *Fitz. Nat. Br. fol. 241.*

**Super Statuto de articulis Cleri**, cap. 6. Is a Writ against the Sheriff, or other Officer, that distrains in the Kings High-way, or in the Glebeland, anciently given to Rectories. *Fitz. Nat. Br. fol. 173.*

**Supervisor**, (*Lat.*) A Surveyor, or Overseer : It was anciently, and still is, a Custom among some, especially of the better sort, to make a Supervisor of a Will ; an Office or Title (as it is now carelessly executed,) to little purpose, and of as little use ; however the intendment may be good, viz. That he should supervise the Executors, and see the Testators Will punctually performed.

**Supervisor of Highways** (*Anno 5 Eliz. cap. 13.*) Is otherwise called Surveyor. See Surveyor.

**Supplicavit**, Is a Writ issuing out of the Chancery, for taking the surety of Peace against a Man; It is directed to the Justices of Peace and Sheriff of the County, and is grounded upon the Statute 1 Edw. 3. cap. 16. which ordains, that certain persons shall be assigned by the Chancellor to take care of the Peace. See *Fitz. Nat. Brev. fol. 80.* This Writ was of old called *Breve de minis*, as *Lam.* in his *Eiren.* notes out of *Reg. of Writs, fol. 88.*

**Sur cui in vita**, Is a Writ that lies for the heir of that Woman, whose Husband has alienated her Land in Fee, and she brings not the Writ *Cui in vita*, for the recovery of her own Land; in this case her heir may have this Writ against the Tenant after her decease. *Fitz. Nat. Br. fol. 193.*

**Surcharge of the forest**, (*Superoneratio Forestæ*) Is, when a Commoner puts more Beasts in the Forest, than he has right unto. *Manwood, Par. 2. cap. 14. numb. 7.* and is taken from the Writ *De secunda Superoneratione pasture* in the same sense, when the Commoner surchargeth. 3 *Inst. fol. 293.*

**Surety of peace**, (*Securitas pacis*, so called, because the party that was in fear is thereby secured) Is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This peace a Justice of Peace may command, either as a Minister, when he is willed so to do by a higher Authority, or as a Judge, when he does it of his own power, derived from his Commission. Of both these see *Lamb. Eiren. lib. 2. cap. 2. pag. 77.* See *Peace and Supplicavit.* It differs from *Surety of good abearing* in this, that whereas the Peace is not broken without an affray, battery, or such like; *Surety de bono gestu* may be broken by the number of a mans company, his Weapons or Harnes.

**Surplusage**, (*Fr. Surplus, i. Corollarium, additamentum*) Signifies a superfluity, or addition more than needs, which sometimes is a cause that a Writ abates. *Brooke, tit. Nugation & Superfluity, fol. 100.* *Plowden, Casu, Dives contra Maningham, fol. 63. b.* It is sometime also apply'd to matter of account, and signifies a greater disbursement, than the Charge of the Accountant amounts unto: *Satisfaciant in omnibus quod conjunctum fuerit per predictum computum inter eos de surplusagio recepto de averiis venditis, &c.* *Ordinatio de marisco Romeneiensis. Pa. 38.*

**Surresjoynder**, Is a second defence of the Plaintiffs Action, opposite to the Defendants *Rejoynder.* *West, Par. 2. Symbol. tit. Supplications. Sect. 57.* And therefore *Hotoman* calls it *Triplicationem, quæ est secunda Actoris defensio, contra Rei duplicationem opposita.*

**Surrebutter**, A second *Rebutter*, or a *Rebutting* more than once. See *Rebutter.*

**Surrender** (*Sum redditio*) Is an Instrument in Writing, testifying with apt words, that the particular Tenant of Lands, or Tenements for Life or Years, does sufficiently con-

sent and agree, that he, who hath the next or immediate Remainder or Reversion thereof, shall also have the present estate of the same in Possession, and that he yields and gives up the same unto him: For every *Surrender* ought forthwith to give a possession of the thing surrendered. *Wist, Par. 1. lib. 2. sect. 503.* where you may see divers *Prebendents.* And a *Surrender* may be of Letters Patent to the King, to the end he may grant the estate to whom he pleaseth. But there may be a *Surrender* without writing; and therefore there is said to be a *Surrender in Deed*, and a *Surrender in Law*: The first is that, which is really and sensibly performed; the other is, in intendment of Law, by way of consequent, and not actual. *Perkins, Surrender, fol. 606.* As, if a Man have a Lease of a Farm, and during the term, he accepts of a new Lease, this Act is in Law, a *Surrender* of the former. *Coke 6 Rep. fol. 11. b.* There is also a *Customary Surrender* of Copy-hold Lands, for which see *Coke on Littl. sect. 74.*

**Surrogate** (*Surrogatus*) One that is substituted or appointed in the room of another, most commonly of a Bishop, or the Bishops Chancellor.

**Sursise** (*Superfissa*) Seems to be an especial name used in the Castle of *Dover*, for such Penalties and Forfeitures, as are laid upon those that pay not their Duties or Rent for *Castleward* at their days. *Anno 32 Hen. 8. cap. 40.* *Bracton* hath it in a general signification *Lib. 5. tract. 3. cap. 1. numb. 8.* and *Fleta, lib. 6. cap. 3.*

**Surveyor** (*Supervisor*) Is compounded of two French words, *Sur*, i. *Super*, and *Vcoir*, i. *Cernere, intueri.* Signifies one that hath the over-seeing, or care of some great persons Lands or Works. As the *Surveyor-General* of the Kings Mannors. *Crompt. Jurisd. fol. 106.* And, in this signification, it is taken *Anno 33 Hen. 8. cap. 39.* where there is a Court of *Surveyors* erected.

**Surveyor of the Kings Exchange** (*An. 9 Hen. 5. Stat. 2. cap. 4.*) Was an Officer, whose name seems in these days to be changed into *Surveyor* of the Meltings in the Tower; or the Office it self (being very ancient, legal, and profitable for the Commonwealth) disused.

**Survivor** (from the *Fr. Survivre, i. Superesse*) Signifies the longer liver of two Joynt-tenants. See *Brook, tit. Joynt-tenants, fol. 33.* or of any two joynd in the right of any thing.

**Suckin.** See *Galli half-pence.*

**Suspense** or **Suspension** (*Suspensio*) Is a Temporal stop, or hanging up, as it were, of a Mans right; as when a Seignory, Rent, &c. by reason of the Unity of Possession thereof; and of the Land, out of which they issue, are not in esse for a time, & tunc dormiunt, but may be revived or awaked, and differs from *Extinguishment*, which dies for ever. *Coke on Littl. lib. 3. cap. 10. sect. 559.* *Brook, tit. Extinguishment and*

Y y Suspension.



**Suspension**, fol. 314. *Suspension*, Is also sometimes used by us, as it is in the Canon Law, *Pro minori Excommunicatione*, Anno 24 Hen. 8. cap. 12.

**Suspensio ab Officio**, Is when a Minister for a time is declared unfit to execute his Office.

**Suspensio a Beneficio**, Is when a Minister for a time is deprived of the profits of his Benefice.

**Suspiral** (from the Lat. *Suspirare*, i. *Ducere suspiria*) Seems to be a Spring of Water, passing by Pipes under Ground toward a Conduit or Cistern, Anno 35 Hen. 8. cap. 10.

**Sute**. See *Suite*.

**Sute-silver**, Is a small Rent or Sum of Money, which, if paid, does excuse the Freeholders from their appearance at the Court Barons within the Honor of *Clun* in *Shropshire*.

**Swan-heard**. See *Kings Swan-heard*.

**Swainmote** or **Swatunote** (*Swainmorus*) From the Sax. *ſſanſ*, i. (as we now call our Rusticks) A Country. *Swain*, a Boeklandman, A Freeholder, and *ſemote*, i. *Conventus*; (the Sax. *s*, being usually turned into *i* or *y*) signifies a Court touching matters of the Forest, kept by the Charter of the Forest, thrice in the year, before the *Verderers*, as Judges. Anno 3 Hen. 8. cap. 18. What things are inquirable in the same you may read in *Crompt. Jurisd.* fol. 180. And is as incident to a Forest, as a Court of Piepolder to a Fair. See *Lamberts Explication* of Saxon words, verbo, *Conventus*.— *Nul-lum Swainmorum de cetero teneatur in Regno nostro, nisi ter in Anno, viz. In Principio quinde-cim dierum ante Festum Sancti Michael. &c. Circa Festum S. Martini, & initio quinde-cim dierum ante Festum Sancti Johannis Baptiste, &c. Charta de Foresta tam Regis Johan. quam Hen. 3. cap. 7. See 4 Inst. fol. 289.*

**Swarff-money**. The Swarff-money is one penny half-penny, it must be paid before the rising of the Sun, the party must go thrice about the Cross, and lay the Swarff-money, and then take witness, and lay it in the hole; and when ye have so done, look well that your witness do not deceive you; for if it be not paid, ye give a great forfeiture xxx s. and a White Bull. This Exposition was found in an old MS. containing the Rents due to the Catesbies in *Lodbrocke*, and other places in *Warwickshire*. But conceived to be mistaken for, or to signify the same with, *Wartl-money*. See *Ward-peny*.

**Swelage**, (*Coke on Littl. fol. 4. b.*) Is the crop of Hay got in a Meadow, called also the *Swepe* in some parts of England.

**Sweling** or **Suling** of Land (*Sulinga*, *Solina*, vel *Swolinga terra*), Sax. *Sulung*, from *ſul* vel *ſulh*, i. *Aratrum*, as to this day in our Western Parts, a Plough is called a *Sul*, and a Plough-staff, a *Sul-paddle*) Is the same with *Carucata terra*, that is, as much as one

Plough can Till in a year; an Hide of Land; others say, it is *Quantitas incerta*.— *Dedit etiam idem inclitus Rex Willielmus (Conquestor) eidem Ecclesie de Bello in Cantia, Regale Ma-nerium, quod vocatur Wy, cum omnibus appendi-ciis suis septem Swolingarum, id est, Hidarum, ex sua Dominica Corona, cum omnibus libertatibus & regalibus consuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Ab-batis, fol. 1.— *Terram trium aratrorum, quam Cantiani Anglice dicunt Thre Swelings.* Carta pervetusta Eccles. Cantuar. de qua vide Somnerum in *Antiquitat. loci*, pag. 211. This in *Selden's Titles of Honor*, fol. 636. is written *Swillinga*.

**Syb** and **Som** (Sax.) *Pax & securitas*.— *Eallum Cſttenum Mannum ſyb & ſom ſemene*, id est,--- *Omnibus Christianis Pax & securitas communis esto.* LL. Eccles. Canuti Regis, cap. 17.

**Sylva Cædina** (Lat.) Wood under Twenty years growth: Coppice-wood. See the Stat. 45 Edw. 3. cap. 3. It is otherwise called *Subbois*. 2 *Inst.* fol. 642.

**Synod** (*Synodus*) A Meeting or Assembly of Ecclesiastical Persons for the Cause of Religion; of which, there are four kinds. 1. *A General, Oecumenical, or Universal Synod or Council*, where Bishops, &c. of all Nations meet. 2. *A National Synod*, where those of one only Nation meet. 3. *A Provincial Synod*, where Ecclesiastical Persons of one only Province meet. 4. *A Diocesan Synod*, where those of but one Diocese meet. See *Convocation*: Which is the same thing with a Synod; this being a Greek, that a Latin word. Our Saxon Kings usually called a Synod, or mixt Council, consisting both of Ecclesiasticks, and the Nobility, three times a year; which was not properly called a Parliament till Henry the Thirds time. See *Parliament*.

**Synodal** (*Synodale*) Is a Cense or Tribute in Money paid to the Bishop, or Arch-deacon by the Inferior Clergy at Easter Visitation; and it is called *Synodale* or *Synodaticum*, *Quia in Synodo frequentius dabatur*. The Impropriation of *Derehurst* in *Com. Glouc.* pays yearly vii s. ix d. *Pro Synodalibus & Procuracionibus*. Pat. 20 July, 34 Hen. 8.— *Et quod sint quieti a Synodalibus, & ab omni Episcopali consuetudine, excepto denario Beati Petri.* Mon. Angl. 2 Par. fol. 276. b. See *Historical Discourse of Procurations and Synodals*, pag. 66 & 98. These are called otherwise *Synodies* in the Statute of 34 Hen. 8. cap. 16. In the Statute of 25 Hen. 8. cap. 19. *Synodals* Provincial signify the Canons or Constitutions of a Provincial Synod. And sometimes *Synodale* is used for the Synod it self. See *Dugd. Warwickshire*, fol. 126. and *Spelm. de Concil.* 1 Tom. fol. 529.

## T.

**T.** Every Person convict of any other Felony, (save Murder) and admitted to the benefit of his Clergy, shall be marked with a T. upon the Brawn of the Left Thumb. *Anno 4 Hen. 7. cap. 13.*

**Tabellion** (*Tabellio*) A Notary Publick or Scrivener, allowed by Authority to Engross and Register private Contracts and Obligations: His Office in some Countries did formerly differ from that of Notary, but now they are grown, or made, one. *Quoniam Tabellionum usus in Regno Anglie non habetur, propter quod magis ad Sigilla authentica credi est necesse, ut eorum copia facilius habeatur; statuimus, ut Sigillum habeant non solum Archiepiscopi & Episcopi, sed eorum Officiales.* Matth. Paris, fol. 454. de Anno 1236.

**Table-rents** (*redditus ad mensam*) were the same with *Bordland-rents*. See *Bordlands*.

**Tabling of Fines**, Is the making a *Table* for every County where His Majesties Writ runs, containing the Contents of every *Fine*, passed in any one Term, as the name of the County, Towns, and places, wherein the Lands or Tenements lie, the name of the Demandant and Deforçant, and of every Mannor named in the *Fine*. This is properly to be done by the Chirographer of Fines of the *Common Pleas*, who, every day of the next Term, after the ingrossing any such *Fine*, does fix every of the said *Tables*, in some open place of the said Court, during its sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect Content of the *Table*, so made for that Shire in the Term next before the Assizes, or else between the Term and the Assizes, to be set up every day of the next Assizes in some open place of the Court, where the Justices sit, to continue there so long as they shall sit, &c. If either the Chirographer or Sheriff fail herein, he forfeits 5 l. And the Chirographers Fee for every such *Tabling* is 4 d. *Anno 23 Eliz. cap. 3.*

**Tacfre**—*Cum Housbold & Hay & Tacfre de omnibus propriis portis suis infra omnes metas de Cockishul, &c.* Carta Domini Tho. de Menylgaring, sine dat. We still retain the word *Tackfree*, a little altered, that is, they paid nothing for their Hogs running within that limit.

**Tail** (*Fr. Taille, i. Sectura*) Signifies two things grounded upon one reason (*Plowden, Casu Willion. fol. 251.*) First, it is used for the Fee, which is opposite to Fee-simple, by reason it is so minced, (as it were) or pared, that it is not in the owners free power to dispose, but is by the first giver cut or divided from all others, and tied to the issue of the Donee. *Coke, lib. 4.*

in *Proamio*. And this limitation or Tail is either *General* or *Special*.

**Tail General**, Is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten, and it is *General*, because how many Women soever the Tenant, holding by this title, shall take to be his Wives one after another, his issue by them all have a possibility to inherit one after another.

**Tail Special**, Is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two bodies begotten; because, if the Man bury his Wife, before Issue, and take another, the Issue by his second Wife cannot inherit the Land. Also, if Land be given to A. and his Wife B. and to their Son C. for ever; this is *Tail Special*. See *Fee*, and *Littl. lib. 1. cap. 2.* and *New Bok of Entries, verbo Tail*.

**Tail**, in the other signification, is that we vulgarly call a *Talley*: *Une Tallie de Bois* is a cloven piece of Wood to nick up an account upon: For in the Stat. 10 Edw. 1. cap. 11. it is termed a *Tail*; and so in *Brooks Abridg. tit. Tail d' Exchequer, fol. 247.*

**Talles** (*Tallie*) Are in these days called *Tallies*, explicated before: Of these we read in our Statutes two sorts, long used in the *Exchequer*. The one *Talles of Debt*, (*Anno 1 Rich. 2. cap. 5.*) which are a kind of Acquittance for Debt paid to the King. For example, the University of Cambridge pays yearly 10 l. for such things as are by their Charter granted them in Fee-farm, 5 l. at the *Annunciation*, and 5 l. at *Michaelmas*. He that pays these, receives at each day a *Tail* or *Talley* for his discharge; with both which, or notes of them, he repairs to the Clerk of the Pipe Office, and there in stead of them receives an Acquittance in Parchment for his full discharge. The other, *Talles of Reward*, (mentioned *Anno 27 Hen. 8. cap. 11.* and in other Statutes) which seem to be *Talles* or *Tallies* of allowance or recompence made to Sheriffs, for such Matters, as (to their charge) they have performed in their Office, or for such Monies as they, by course, have cast upon them in their accounts, but cannot levy, &c. See *Anno 2 & 3 Edw. 6. cap. 4.*

There are also *Tallies* of Debt used among Subjects.—*Et si creditor habeat Talleam, oportet creditorem probare illam per convicinos suos vel per alios, per quorum fidelitatem Balivi & alii presentes illo tempore in Curia noticiam habere possunt, & si Creditor petat debitum per vocem suam simplicem, tunc debitor p-test esse ad suam legem manifestatam.* MS. Codex de LL. Statutis, &c. Burgivillæ Mountgomer. a Temp. Hen. 2.

**Tallage**. See *Tallage*.

**Taini** or **Thaini** *mediocres*, Were Freeholders, and sometimes called *Milites Regis*, and their Land called *Tain-land*. 1 *Inft. fol. 5. b.* See *Thane*.

**Taini**



**Taint** (*Attinctus*, Fr. *Teint*, i. *Infectus*, *Tinctus*) Signifies either a Conviction; or a person convict of Felony or Treason, &c. See *Attaint*.

**Tales** (a Latin word of known signification) Is used for a supply of Men, impannelled on a Jury of Enquest, and not appearing, or at their appearance, challenged by either party, as not indifferent; in which case, the Judge, upon motion, grants a supply to be made by the Sheriff of one or more *such* their present, equal in reputation to those that were empannelled. Whereupon the very act of supplying is called a *Tales de Circumstantibus*. But he that hath had one *Tales*, either upon default or challenge may not have another to contain so many as the former: For the first *Tales* must be under the principal *Pannel*, except in a Cause of Appeal, and so every *Tales* less than other, until the number be made up of such as are without exception: Yet you may find some exceptions to this general Rule in *Stamf. Pl. Cor. lib. 3. cap. 5*. These commonly called *Tales* or *Talsmen*, corruptly *Tally-men*, may in some sort be, and indeed are, called *Meiiores*, viz. When the whole Jury is challenged, as appears by *Brook, tit. Octo tales & auter tales*, fol. 105.

**Tales**, Is also the name of a Book in the Kings Bench Office (*Coke, lib. 4. fol. 93. b.*) Of such Jury-men as were of the *Tales*.

**Tallage** (*Tallagium*) From the Fr. *Taille*, which originally signifies a piece cut out of the whole, and metaphorically a share of a Mans substance paid by way of Tribute, Toll, or Tax. Stat. *De Tallagio non concedendo*. *Tempore Edw. 1.* And *Stows Annals*, pag. 445. Thence comes *Tallagers* in *Chawcer* for Tax or Toll-gatherers. See *Subsidy*. These *Tallages* were anciently called *Cuttings*, which word is still retained in *Ireland*, in a not much different sense. *Tallage* (says Sir Edward *Coke*) is a general word, and includes all *Taxes*. 2. *Instit. fol. 532.*

**Talleys**. See *Tales*.

**Talhide** or **Talwood**, (*Tal'atwa*) Is Firewood, cleft and cut into Billets of a certain length. *Anno 34 & 35 Hen. 8. cap. 3.* and *An. 7 Edw. 6. cap. 7*. Every *Talhide* marked one, being round hewed, shall contain sixteen inches of *Assise* in compass, &c. *Anno 43 Eliz. cap. 14*. This was anciently written *Talghwode*.—*Et quod de toto residuo Bosci, quod non valebat pro macremio, idem Petrus fieri fecit Carbones & boscum computabilem vocatum Talghwode*. *Clauf. 3 Ed. 3. m. 26. intus.*

**Tangier**, An ancient City of *Numidia* in *Barbary*, of old called *Tingis*, lying within the Kingdom of *Fesse*, and distant from the *Streights* about Thirty Miles; mentioned in the Statutes of 15 *Car. 2. cap. 7*. And is now part of the Dominion of the Crown of *England*.

**Tanistrr**, Is a Law, Tenure, or Custom in some parts of *Ireland*; of which thus Sir *John*

*Davies* in his Reports, fol. 28. b. *Quant ascun person morust seisie des ascuns Castles, Mannors, terres ou tenements del nature & tenure de Tanistry; que donques mesme les Castles, &c. doent descendre, & de temps dont memory ne cours ont use de descendre Seniori & dignissimo viro sanguinis & cognominis, de tiel person issint morant seisie, & que le file ou le files de tiel person issint morant seisie de tous temps avantsdit, ne fueront inheritables de tiels terres ou tenements; ou de ascun pars de eux.* The name seems to be derived a *Tanist*. See Sir *James Wares Antiquitates Hibernie*, pag. 38.

**Tapeuarius**, *De quolibet Tapeuario, per totum tempus Ferie* (sc. *Winton.*) *unum denarium*. *Pat. 2 Ed. 4. Pars 6. m. 6.* An Upholster, or one that sells *Tapestry*.

**Tappa**. See *Bosimus*.

**Tare and Tret**, The first is the weight of Box, Straw, Cloaths, &c. wherein Goods are packed. The other is a consideration allowed in the weight for wast or loss, in emptying and reselling the Goods. *Book of Rates*.

**Tatels**, Is a kind of hard Bur used by Cloathiers and Cloath-workers in dressing Cloth. *Anno 4 Edw. 4. cap. 1.*

**Tassum & Tassa**, A Mow or Heap; from the Fr. *Tasser*, to heap or pile up. *Commissio facta fuit Roberto Hadham ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit quod vendidit blada Prioris de Tickford in garbis in duabus Tassis existen. pro 10 l. &c. Hill. 25 Edw. 3. Coram Rege. Rot. 13.* Hence *Tassare*, to mough or heap up; and *ad Tassum furcare*, to pitch to the Mow.

**Tartaron** (*Anno 4 H. 8. cap. 6.*) a kind of fine Cloth or Silk.

**Tax** (*Taxa*, from the Gr. *τεξι*, *Quod non solum ordinem, sed & modum ratione temperatum significat, atque ob id etiam taxationem & tributum, unde τεξις dicuntur, qui tributum imponunt*) Was such a Tribute, as being certainly rated on every Town, was wont to be yearly paid, but now not without consent in Parliament, as the *Subsidy* is. And it differs from *Subsidy* in this, that it is always certain, according as it is set down in the *Exchequer Book*, and levied in general of every Town, and not particular of every Man. It is also called a *Fifteenth*, *Anno 14 Edw. 3. Stat. 1. cap. 20.* and 9 *Hen. 4. cap. 7*. It seems, that in ancient time, this Tax was imposed by the King at His pleasure, but *Edward the First* bound Himself and His Successors from that time forward, not to levy it, but by consent of the Realm. *Anno 25 Edw. 1. cap. 5.* See *Gild*, *Subsidy*, and *Fifteenth*.

**Taratio bladorum**, An Imposition laid on Corn.

**Tarers**, Two Officers yearly chosen in *Cambridge*, to see the true gage of all Weights and Measures: The name took beginning from *Taxing* or *Rating* the Rents of Houses, which was anciently the duty of their Office.

**Tea**

**Tea** (*Anno 12 Car. 2. cap. 15.*) Is a kind of potable liquor, lately introduced into England from China, and the East Indies, and is made of the Leaf of a Shrub, growing in those parts.

**Team and Theame, or Tem and Theme,** (from the Sax. *tyman*, *i. Propagare*, to teem, or bring forth) Signifies a Royalty granted by the Kings Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifs and Villains, with their Children; Goods and Chattels in His Court.

**Theme** est, quod habeatis totam generationem villanorum vestrorum, cum eorum Sectis & catallis ubicunque inventi fuerint in Anglia. — Qui autem jurisdictionem habent hujusmodi, etiam de Theme, *i. De nativis vel servis, dicuntur habere, in qua olim licuit inter ceteros cognoscere de statu vassalli sui, utrum liber esset an servus.* Anonymus in MS. Theame (lays the Learned Spelman) in the Laws of Edw. Conf. cap. 21 & 25. Significare videtur jurisdictionem cognoscendi in Curia sua de advocacionibus, sive insertiatis, hoc est, de vocatis ad Warrantiam. See Glanville, lib. 5. cap. 2. And Glossarium in x. Scriptores.

**Them**, *i. Quod Prior habet totam generationem Villanorum suorum, cum eorum secta & catallis ubicunque in Anglia invente fuerint.* Ex Registro Priorat. de Cokesford.

**Teinland** (*Tinlandu*) Tainland, Teimland vel Thainland, quasi terra Thani vel nobilis. Pen, *i. Minister & Landa, i. terra.* Breve Regis Willielmi junioris lib. Rames. sect. 178. — Willielmus Rex Anglie W. de Cabanis salutem Precipio tibi ut facias convenire spiram de Hamtona & judicio ejus cognosce si terra de Itham reddidit firmam Monachis Sancti Benedicti tempore Patris mei; & si ita inventa fuerit, sit in Dominio Abbatis. Si vero Teinlanda tunc fuisse invenietur, qui eam tenet de Abbate, teneat & recognoscat, quod si noluerit, eam Abbas in Dominio habeat, & vide ne clamor inde amplius ad nos redeat. Teste W. Episc. Dunelm. Where Teinlanda seems to signifie, Terra hereditaria & colonorum servituti non obnoxia. In Domesday, Land holden by Knights-service was called Tainland, and Land holden by Socage Keveland, 1 Inst. fol. 86. a.

**Teirs**, Is the third part of a Pipe, viz. Forty two Gallons. See Tierce.

**Teller**, Is an Officer in the Exchequer, of which there are four, whose office is to receive all Moneys due to the King, and to give the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipt, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

**Thelonium.** See Thelonium.

**Tenmantale** or Tenmentale. Anno

MCXCIII, primo die April. predictus Rex Anglie (sc. Ricardus) celebravit tertium diem Colloquii sui (viz. in Concilio apud Noringham) in quo constituit sibi dari de unaquaq; carnevata terre totius Anglie duos solidos, quod ab antiquis nominatur Tenmentali. Hoveden, fol. 419. b. See Tenmantale.

**Templers, or Knights of the Temple** (*Templarii*) Was a Religious Order of Knight-hood, instituted about the year 1119. and so called, because they dwelt in part of the Buildings belonging to the Temple at Jerusalem, and not far from the Sepulchre of our Lord: They entertained Christian-strangers, and Pilgrims charitably, and in their Armor led them through the Holy Land, to view the Sacred Monuments of Christianity, without fear of Infidels. This Order continuing and increasing for near Two hundred years, was far spread in Christendom, and particularly here in England. But at length some of them at Jerusalem, falling away (as some Authors report) to the Saracens from Christianity, or rather because they grew too potent and rich, the whole Order was suppressed by Clemens Quintus, Anno 1309. And by the Council of Vienna, 1312. And their substance given, partly to the Knights of Saint Johns of Jerusalem, and partly to other Religious. Cassan. de gloria mundi, par. 9. Confid. 5. And see Anno 1 Edw. 1. cap. 24. These flourished here in England from Henry the Seconds days, till they were suppressed. They had in every Nation, a particular Governor, whom Bracton, lib. 1. cap. 10. calls Magistrum Militie Templi. The Master of the Temple here was summoned to Parliament, 49 Hen. 3. m. 11. in Schedula. And the chief Minister of the Temple-Church in London is still called Master of the Temple. Of these Knights, read Mr. Dugdales Antiquities of Warwickshire, fol. 706. In ancient Records, they were also called Fratres Militie Templi Solomonis. Mon. Angl. 2 par. fol. 554. b.

**Temporalities of Bishops** (*Temporalia Episcoporum*) Are such Revenues, Lands, Tenements, and Lay-Fees, as have been laid to Bishops Sees, by Kings, and other great Personages of this Land, from time to time, as they are Barons of Parliament. See Spiritualities of Bishops.

**Tempratio, rectius Tentatio** (Lat.) is used in our Records for a trial or proof. As Tempratio panis fiat bis in anno. Charta 20 Edw. 1. n. 51.

**Tempus pinguedinis & firmationis:** — Et sciendum quod Tempus pinguedinis hic computatur inter Festum Beati Petri ad Vincula & Exaltationem Sancte Crucis: Et Tempus firmationis inter Festum S. Martini & Purificationem Beate Mariæ. MS. Penes Gul. Dugdale Mil. de Temp. Hen. 3. The first is the season of the Bick, the later of the Dee. See Fermifona.



**Tempus Pessionis vel Pessionæ**, Mast-time.—*Volo etiam quod omnes Burgenses mei, qui porcos habuerint tempore Pessionis in—&c.* Carta Hamonis de Maffy, sine dat. See *Pession*, which I take to be from *Michaelmas* to *St. Martins* day, *Novemb. 11.* After it was called *Retropannagium*.

**Tenancies** (*Anno 23 Eliz. cap. 4.*) Are Houses for Habitation, Tenements, or places to live in, held of another.

**E**dwardus illustris Regis Angliæ promogenitus omnibus, &c. Salutem & amorem. Sciatis quod dedimus & assignavimus in Tenenciam dilecto & fideli nostro Yvoni Pauntun omnes terras cum suis juribus & pertin. que fuerunt Hugonis Bedelli inimici nostri in Villa de Athele. Tenendas ad nostræ beneplacitum voluntatis, nisi aliquis qui nobiscum personaliter interfuit in conspectu apud Evesham, quarto die Augusti, manus prius posuerit ad eandem. Et ideo vobis mandamus, &c. Dat. Cestrie 14 Augusti, Anno Regni Domini Regis Patris nostri 49.

**Tend**, Seems to signifie as much as to endeavor, offer, or shew forth; as to *tend* the estate of the party of the Demandant. *Old Nat. Br. fol. 123. b.* To *tend* an Averment. *Britton. cap. 76.*

**Tender** (*Fr. Tendre*) Signifies carefully to offer, or circumspectly to endeavor the performance of any thing belonging to us; as to *render* Rent, is to offer it at the time and place, where and when it ought to be paid. To *tender* his Law of *Non Summons* (*Kitchin, fol. 197.*) is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See *Law*, see *Make*.

**Tending peny.** See *Tishing peny*.

**Tenementis Legatis**, Is a Writ that lies to *London*, or other Corporation, (where the Custom it, that Men may demise Tenements, as well as Goods and Chattels by their Last Will) for the hearing any Controversie touching the same, and for rectifying the wrong. *Reg. of Writs, fol. 244. b.*

**Tenement** (*Tenementum*) Signifies most properly an House or Homestall, but in a larger sense it is taken, either for House or Land that a Man holds of another; and joyned with the Adjective *Frank*, it contains generally Lands, Houses, or Offices, wherein we have Estate for Life, or in Fee. For *Kitchin, fol. 41.* makes *Frank-tenement*, and base Estate, opposit; and in the same sense *Britton* uses It, *Chap. 27.*

**Tenant** or **Tenant** (*Tenens*) Signifies him that holds or possesseth Lands or Tenements by any kind of Right, be it in Fee, for Life, Years, or Will. *Tenant in Dower*, is she that possesseth Land by virtue of her Dower. *Kitchin, fol. 160.* *Tenant by Statute Merchant*, that holds Land by virtue of a Statute forfeited to him. *Tenant in Franc-marriage* that holds Land by virtue of a Gift thereof, made to him

upon marriage. *Tenant by the Curtesie*, that holds for his life, by reason of a Child born alive, and begotten by him of his Wife, being an Inheriatrix. *Tenant per Elogit*, that holds by virtue of the Writ *Elegit*. *Tenant in Mortgage*, that holds by virtue of a Mortgage. *Tenant by the Verge* in Ancient Demesne (*Kitchin, fol. 81.*) is he, that is admitted by the Rod in a Court of Ancient Demesne. *Tenant by Copy of Court Roll*, is one admitted Tenant of any Lands, &c. within a Mannor, which time out of mind have been demilable, according to the Custom of the Mannor. *West, Par. 1. symbol. lib. 2. sect. 646.* *Tenant by Charter* is he that holds by Feoffment, or other Deed in Writing. *Very Tenant*, that holds immediately of his Lord; for if there be Lord, Mesne, and Tenant, the Tenant is *Very Tenant* to the Mesne, and not to the Lord above. *Kitchin, fol. 99.* *Tenant Paravail*, see *Paravail*. *Joyn-tenants*, that have equal Right in Lands, by virtue of one Title. *Littl. lib. 3. cap. 3.* *Tenants in Common*, that have equal right, but hold by divers Titles. *Particular Tenant*, *Stamf. Prærog. fol. 13.* is he who holds only for his term. See *Coke* in *Sir Will. Pelham's Case, Lib. 1. fol. 15.* called also *Termor for Life or Years*. See *Plowden, Casu, Colthirist, fol. 23. b.* *Sole Tenant*, *Kitchin, fol. 134.* he that hath no other joyned with him. *Several Tenant* is opposit to Joyn-tenant, or Tenant in Common. *Tenant al Præcipe*, is he against whom the Writ *Præcipe* is brought. *Coke, lib. 3. Case of Fines, fol. 88.* *Tenant in Demesne* (*Anno 13 Edw. 1. cap. 9.*) is he that holds the Demesne of a Mannor for a Rent without Service. *Tenant in Service* (*An. 20 Edw. 1. Stat. 1.*) is he that holds by Service. See *Britton, cap. 39 & 96.* *Tenant by Execution* (*Anno 32 Hen. 8. cap. 5.*) is he that holds Land by virtue of an Execution upon any Statute, Recognizance, &c. *Tenant in Fee-simple* (*Kitchin, fol. 130.*) *Tenant in Fee-tail*. *Tenant at the Will of the Lord*, according to the Custom of the Mannor. *Tenant at Will* by the Common Law. *Idem, fol. 165.* *Tenant upon Suffrance*. *Tenant of Estate of Inheritance*. *Stamf. Prærog. fol. 6.* *Tenant in Burgage*, *Tenant in Socage*, *Tenant in Frank-fee*, &c. with divers others.

**Tenheved** (*Sax. Tienheofed, i. Decem habens capita*) *Decanus, Decemvir, caput vel princeps Decaniæ sive decuria. LL. Edw. Confess. cap. 29.* Statuerunt Justiciarios super quosque decem friborgos, quos Decanos possumus appellare; Anglice vero Tienheoved dicti sunt.

**Tenentibus in Assisa non onerandis** &c. Is a Writ that lies for him to whom a Disseisor hath alienated the Land, whereof he disseised another; that he be not molested for the damages awarded, if the Disseisor have wherewith to satisfie them himself, *Reg. of Writs, fol. 214. b.*

**Tenmantale** (*Sax. Tienmantale, i. Sermo decem hominum, vel decemvirorum numerus*) *Decuria, Tithinga. LL. Edw. Conf. cap. 20.—Et sint quieti de Geldin, & Danegeldin, & Themantale,*

tale, & *Concelationibus*, & *Scottis*, &c. Cart 29 Edw. 1. p. 25. Abbat. de Thornton. Alſo an ancient Tax ſo called. See *Tementale*, and *Friburg*.

**Tenore indigamenti mittendo**, Is a Writ whereby the Record of an *Inditement*, and the Proceſs thereupon is call'd out of another Court into the Chancery. *Reg. of Writs*, fol. 169. a.

**Tenths**, (*Decime*) Is that yearly portion or Tribute, which all Livings Eccleſiaſtical yield to the King: For, though the Biſhop of Rome does originally pretend right to this Revenue, by example of the High Prieſt among the Jews, who had Tenths from the Levites. *Numb. cap. 8. Hieron. in Ezech.* yet we read in our *Chronicles*, that theſe were often granted to the King by the Pope, upon divers occaſions, ſometimes for one year, ſometimes for more, until, by the Statute 26 Hen. 8. cap. 3. they were annexed perpetually to the Crown. See *Diſſim.* It ſignifies alſo a Tax levied of the Temporalty. 4 *Inſt.* fol. 34.

**Tentor**, A ſtretcher, tryer or prover, which Dyers and Clothiers uſe, *Anno 1 Rich. 3. cap. 8.* But prohibited by the Stat. 39 Eliz. cap. 20.

**Tenure**, (*Tenura*) Is the manner whereby Tenants hold Lands and Tenements of their Lords. What makes a *Tenure*, and what not, ſee *Perkins Reſervations* 70, where you ſhall find moſt of thoſe *Tenures* recited, which are now in England. See *Cromptons Jurisd.* fol. 200. *New Book of Entries*, verbo *Tenure*. Mr. *Fabian Philip's Book*, entituled, *Tenenda non Tollenda*, and the Stat. 12 Car. 2. cap. 24. The Family of *Barnhams* hold the Mannor of *Nether Biſſington* in the County of *Kent*, by this tenure, to carry the laſt Diſh of the ſecond Courſe to the Kings Table at His Coronation, and preſenting Him with three *Maple-cups*, which was performed at the Coronation of King *Charles the Second*.

**Terletum**. *Mandatum eſt Petro de Rivallis quod habere faciat Fratribus Minoribus de Nottingham quinq; Terleta in Foreſta de Shirewode; ad Stalla ſua facienda, de dono Regis. Clauſ. 26 Hen. 3. m. 3. quere.*

**Term**, (*Terminus*) Signifies commonly the bounds and limitation of time; as a *Leaſe for term of Life or Years*. *Bracton, lib. 2. cap. 6. numb. 4.* But moſt notoriously it is uſed for that time, wherein the Tribunals or places of Judgment are open for all that liſt to complain of wrong, or to ſeek their right by courſe of Law or Action. The reſt of the year is called *Vacation*. Of theſe *Terms* there are four in every year, during which time matters of Juſtice are diſpatch'd. One is *Hillary Term*, which begins the 23d of *January*, or, if that be *Sunday*, the next day following, and ends the twelfth of *February*: The next is *Eaſter Term*, which begins the *Wednesday* fortnight after *Eaſter-day*, and ends the *Munday* next after *Aſcenſion-day*. The third is *Trinity Term*, beginning the *Friday* next

after *Trinity-Sunday*, and ending the *Wednesday* fortnight after. The fourth is *Michaelmas-Term*, which anciently began the ninth of *October*, but (by Stat. 17 Car. 1. cap. 6.) contracted to the 23d of *October*, and ending the 28th of *November*. *Termini apud nos dicuntur certæ anni portiones agendis litibus designatæ.* See *Spel. de origine & ratione Terminorum forenſium*.

**Termonland**, Seems to be the *Gleab-land* or Land of the Church; anciently ſo called eſpecially in *Ireland*.

**Terminor**, (*Tenens ex termino*) Is he that hold for term of years, or life. *Kitchin, fol. 151 Litt. fol. 100.*

**Terra extendenda**, Is a Writ directed to the *Excheator*, &c. willing him to enquire and find out the true yearly value of any Land, &c. by the Oath of twelve Men, and to certify the *Extent* into the Chancery, &c. *Reg. of Writs*, fol. 293. b.

**Terra Giliforata**, Land held by the Tenure of paying a *Gilly-flower*, *MS.*

**Terra truſta**.—*Continens xl. acras terræ fruſcæ, pæſture, &c. Mon. Angl. 2 Par. fol. 327. b.* *Freſh-land*, or ſuch as hath not been lately plowed. This is elſewhere written *Terra Friſca*.

**Terra nova**. *Sæpe legitur in Chartis feodalibus & in cenſualibus ſchedulis, vel pro terra noviter conceſſa, vel noviter aſſarta. Prior. Lew. pag. 1.—Reddat pro nova terra 2 ſol. Spelm.*

**Terra veſtita**, Is uſed in ancient Charters, for Lands ſown with Corn.

**Terra ſabuloſa**, (*Lat.*) Gravelly, or groſſſandy Land.—*Et prædicta xxiv. acra terræ valent per ann. xiii. ſol. & iv. denar. & non plus, quia eſt terra ſabuloſa. Inq. 10 Ed. 3. n. 3 Norf. in Turr. Lond.*

**Terra puturata**. See *Putura*.

**Terra lucrabilis**.—*Tam in Mora, quam in terra lucrabili & Maris, cum omnibus piſcariis ſuis. Mon. Angl. 1 Par. fol. 406. a.* Land that may be gained from the Sea, or incloſed out of a Waſt, to particular uſe.

**Terra excultabilis**.—*Totam illam terram excultabilem, quam habuit apud Norwicum in Campis. Mon. Angl. 1 Par. fol. 426. b.* Land that may be till'd or plow'd.

**Terra culta**, Land that is Tilled, or Manured; and *terra inculta*, the contrary, where there is mention of *Terra culta*, and *Terra inculta*. See *Warnoth. Mon. Angl. 1 par. fol. 500 b.*

**Terra affirmata**, Land let to Farm.

**Terra dominica vel indominicata**, *Prædiorum pars eſt, quæ uſui ipſius domini reſervata, non coloniis nec emphyteuticariis conceditur.* The demain Land of a Mannor.

**Terra hydata**, Was Land ſubject to the payment of *Hydage*, and the contrary was *terra non hydata*. *Selden.*

**Terra**



**Terra debilis**, Weak or barren Land. Item est ibidem una carucata terre debilis. Inq. 22 R. 2.

**Terra Wainabilis**— Sciant— quod ego Alicia Malet dedi— centum acras terre Wainabilis, &c. penes Eliam Astmole Arm. Tillable Land.

**Terra Warennata**, Land that has the liberty of free Waren.— quod ipse concessisset terras illas esse Warennatas. Rot. Parl. 21 Ed. 1.

**Terra Warecta**, Fallow Land. See *Warectum*.

**Terrage**, (*Terragium*) Edward the Third granted by Patent to John of Gaunt and Blanch his Lady, for their lives,— quod sint quieti de Theodonio, Pavagio, Passagio, Lastagio, Tallagio, Carvagio, Prisagio, Pickagio & Terragio; which seems to be an exemption, a *Præcarium*; viz. Boons of Plowing, Reaping, &c. and perhaps from Money paid for digging or breaking the Earth in Fairs and Markets.

**Terrat**, (*Terrarium, vel Catalogus terrarum*) Is a Book, Survey, or Land-Roll, wherein the several Lands, either of a single person, or of a Town are described; containing the quantity of Acres, boundaries, Tenants names, and such like, Anno 18 Eliz. cap. 17. In the Exchequer there is a *Terrat* of all the Glebe-lands in England made about 11 Edw. 3.

**Terræ boscales**, Woody Lands. Inq. 2 par. 8 Car. 1. numb. 71.

**Terræ tertiorum**, May be englished thirding Lands; some Tenants de terris tertiorum belonging to the Commandry of Dymmore in Com. Heref. were bound to pay a third part of their Goods to their Lord at their decease. *Antiq. Rentale de Dymmore*.

**Terris, bonis & catallis rehabendis post purgationem**, Is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chateles formerly seized on, after he had clear'd himself of that Felony, upon suspicion whereof he was formerly convicted, and deliver'd to his Ordinary to be purg'd. *Reg. of Writs*, fol. 68. b.

**Terris liberandis**, Is a Writ that lies for a Man convicted by Attaint, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, and to deliver him his Lands and Tenements again, and to release him of the Strip and Waite. *Reg. of Writs*, fol. 232. a.

**Terris & catallis tentis ultra delictum levatum** Is a Writ Judicial, for the restoring Lands or Goods to a Debtor that is distreined above the quantity of the Debt. *Reg. Jud. fol.* 38. b.

**Terrestenant**, (*Terra Tenens*) Is he who has the natural and actual possession of the Land, which we otherwise call the *Occupation*, Anno 39 Eliz. cap. 7. For example, a Lord of a Manor has a Freeholder, who lets out his Freeland to another, this other (having the actual possession) Is called the *Terrestenant*, *West. Par. 2. Syml. tit. Fines*, Sect. 137. *Crompt.*

*Jurisd. fol.* 194. *Britton*, cap. 29. *Perkins*, *Feoffment*, 231.

**Tertian**, A Measure containing fourscore and four Gallons. Anno 1 Rich. 3. cap. 13. & 2 Hen. 6. cap. 11. So called, because it is the third part of a Tun.

**Tertium denarium**. See *Third-penny*.

**Tello**, (from the Fr. *Tesson*) A Badger or Grey.— Et omnia Placita de Leporibus, Richibus, Heymectis, Tessonibus, vulpibus, murilegis & Perdicibus. Pet. in Parl. temp. Edw. 3.

**Testa Revelli** or **Testa de Revil**, Is an ancient Record, remaining with the Kings Remembrancer in the Exchequer, and was compiled by *Jollan de Nevil* (and thence took name) who was a Justice Itinerant in the 18th and 24th of Henry the Third, containing the Kings Fees throughout the greatest part of England, with Inquisitions of Lands Escheated, and Serjeanties. Pet. in Parl. 7. Edw. 3. *Riley* 649.

**Testament**, (*Testamentum*) What it is in the common signification, see in *Will*. It was anciently used (according to *Spelman*) *pro Scripto, charta vel instrumento, quo prædiorum rerumve aliarum transactiones perficiuntur: Sic dictum quod de ea re vel testimonium ferret, vel testium nomina contineret.— Siquis contra hoc mee auctoritatis Testamentum aliquod machinari impedimentum præsumperit, &c.* Charta fundationis Croylandiæ ab Æthelbaldo Rege, Anno Dom. 716.

**Testator**, (*Lat.*) He that makes a *Testament*. See *Swinborn of Wills and Testaments*, and see *Will*.

**Testatum**, Is a Writ in personal Action; As if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *non est inventus* by the Sheriff; This Writ shall be sent out into any other County, where such person is thought to have whence to satisfy; which is termed a *Testatum*; because the Sheriff has formerly testified, that the Defendant was not to be found in his Balywic. See *Kitchins return of Writs*, fol. 287. b.

**Teste**, Is a word commonly used in the last part of every Writ, wherein the date is contained, which begins with these words, *Teste me ipso*, &c. if it be an original Writ, or if judicial, *Teste Matheo Ha'e Mil.* or *Francisco North Mil.* according to the Court, whence it comes. Yet we read in *Glanville*, (*lib. 1. cap. 6. & 13. & lib. 2. cap. 4.*) The last Clause of an Original Writ to be *Teste Radulpho de Glanvilla apud Clarendon*, &c. and divers times in the *Reg. of Writs*, *Teste Custode Angliæ*, as namely in the *Title Prohibition*, fol. 42. a. & *Consultation*, fol. 34. b.

**Testimonial**, (*Anno 39 Eliz. cap. 17.*) Is a Certificate under the hand of a Justice of Peace, testifying the place and time, when and where a Soldier or Mariner landed, and the place of his dwelling and birth, unto which he is to pass, &c. or such like, 3 *Inst. fol.* 85.

**Teston**,

**Tetson**, (*Anno 2 & 3 Ed. 6. cap. 17.*) A sort of Money, which, among the French, did bear the value of 18 *Denar.* and so perhaps formerly in *England*; but, in *Henry the Eighth's* time, being made of Brass, lightly guilt with Silver, it was reduced to 12 *d.* and, in the beginning of *Edward the Sixth* to 9 *d.* afterwards to 6 *d.*

**Tertus Koffensis**, An ancient Manuscript so called, wherein the Laws of *Ethelbert Flothere, Eadric and Witbred*, Kings of *Kent* were recorded by *Eardulf*, the Venerable Bishop of *Rocheſter*, about the year of *Chriſt* 760. *Penes Roger. Twysden Bar.*

**Thack-tile**, (*Anno 17 Edw. 4. cap. 4.*) otherwise called *Plain-tile*, which are laid on the side of an House.

**Thanage of the King**, (*Thanagium Regis*) Signified a certain part of the Kings Lands, or Property, whereof the Ruler or Governor was called *Thane*. *Domania Regis*, and *Thanagia idem significant*, says *Skene*. Ivo de Tailbois tenet in Capite de Domino Rege Baroniam de Hephall, cum uxore sua, que fuit filia Wil. de Prardolfe, quam habuit ex dono Domini Regis. Et omnes Antecessores sui tenuerunt dictam Baroniam in Thenagio, & reddit Domino Regi inde per annum 50 s. Dominus vero Rex primus, viz. Will. Conq. removit illud Thenagium temp. Will. Bardolfe ad feudum unius militis. Ex libro feod. Mil. penes Remem. Regis in Scac.

**Thane or Theyn** (*Thanus*, from th' Saxon *þegen*,) Signifies sometimes a Nobleman, sometimes a Free-man, sometimes a Magistrate, but more properly an Officer, or Minister of the King. *Edward King grete mine Wiscrope, and mine Cozles, and all mine Thegnes on chan Shiren, wher mine Preutes in Paulus Minister habband land.* Carta Ed. Conf. Pat. 18 H. 6. m. 9. per Inspex. This Appellation was in use also among us after the Norman Conquest, as appears by *Domesday*, and by a certain Writ of *William the First*. *Willielmus Rex salutet Hermannum Episcopum & Stewinum & Britwi & omnes Thanos meos in Dorsetrensi pago amicabiliter.* MS. de Abbotfuri. *Skene* says it is the name of a Dignity, equal with that of the Son of an Earl. *Camden* says, They were enabled only by the Office, which they administered. *Thainus Regis*, is taken for a Baron. 1 *Inst.* fol. 5. b. And in *Domesday Tenens*, qui est Caput manerii. See *Mills, de Nobilitate*, fol. 132.

**Theft**, (*Furtum*) Is an unlawful Felonious taking away another mans moveable and personal Goods against the owners will, with an intent to Steal them; which is divided into *Theft*, simply so called; and, *petit Theft*, whereof the one is of Goods above the value of 12 *d.* and is Felony, the other under that value, and is no Felony, but called *petit Larceny*. See *Larceny* and *Felony*. *Theft* from the person, or in the presence of the owner, is properly called *Robbery*. See *West*,

*Part 2. Symb. Tit. Inditements, Sect. 58, 59, 60.*

**Thetebote**, (*Sax. þeovte, i. Furtum & Bothe, compensatio*;) est quant homo prist chattel de Latrone de luy faveuer & maintenir & nemy autrement. 42 *Affis*, pag. 5. the receiving goods from a Thief, to the end to favour and maintain him, the punishment whereof is ransom and imprisonment, and not loss of Life or Member. *Stamf. Pl. Cor. lib. 1. cap. 43.* Antiquè dicebatur precium quo furti reus se eximeret a dispendio vite; hodie vero de iis dicitur qui furtiva bona a latrone susceperint, sceleris sui fovendi gratia, quo sensu Bothe pro præda, ut alias solet, intelligendum est. *Thetebote*, (inquit *Statutum Wallie.* Anno 12 Ed. 1.— hoc est, emenda furti, sine consideratione Curia Domini Regis. See 3 *Inst.* fol. 134.

**Thelonium, Telonium, or Breve essendi quietum de Thelonio**, Is a Writ lying for the Citizens of any City, or Burgesſes of any Town, that have a Charter or Prescription to free them from Toll, against the Officers of any Town or Market, who would constrain them to pay it contrary to the said Grant or Prescription. *Fitz. Nar. Br. fol. 226.*

**Thelonio rationabili habendo pro Dominis habentibus Dominica Regis ad firmam**, Is a Writ that lies for him that hath of the Kings Demesne in Fee-farm, to recover reasonable Toll of the Kings Tenants there, if his Demesne have been accustomed to be tolled. *Reg. of Writs*, fol. 83. b.

**Them.** See *Team*.

**Then**, (*Sax.*) Significat servum. *Fleta*, lib. 1. cap. 47.

**Thenecium**.— Quod Prædicti Parochiani — Decimas inferius Annotatas Ecclesiis suis persolvant, scil. Decimam lactis, ovorum, Thenecii agrorum, apum, mellis, &c. *Conf. Rob. Winchelsey Archiep. Cant. tit. de Decimis. Ibi Lindwode Thenecii agrorum, i. Arborum crescentium circa agros, pro clausura eorum. Vulgarly called Hedgerows or Dikerows.*

**Thewe**, *Georgius Grey Comes Cantii clamat, in Maner. de Bushron & Ayton, punire Delinquentes contra Assisam panis & cervisie per tres vices per Amerciamenta, & quarta vice pistores per Pilloriam, Braciatores per Tumbrellum, & Rixarices per Thewe, hoc est, ponere eas super scabellum vocat. a Cuckingstoole.* Pl. in *Itin.* apud *Cestriam*, 14 Hen. 7. Perhaps from the *Sax. þeop*, a Slave or Captive. The word is also mentioned in *Cart. 17 E. 3. m. 6.*

**Thingus** (*Thanus*) A Nobleman, a Knight, or Freeman. *Sciatis me concessisse omnibus militibus & omnibus Thingis & omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster, quod possunt, &c.* *Crompt. Jur.* fol. 197.

**Thirdborow**, Is used for a Constable. *Anno 28 Hen. 8. cap. 10.* which seems to be corruptly used for the *Sax. þreoborow*, i. *Ingenius fidejussor*. *Lambert* in his Duty of Constables, pag. 6. Howbeit a late Author says, it

A a a a signific.



gnities (more literally) *tertium ordine ex de-  
cuia fidejussorem*. Skinner.

**Th. count.** The third part of the Corn  
or Grain growing on the Ground at the Tenants  
death, due to the Lord for a Heriot within a  
certain Mannor, and Lands belonging to the  
Chapel of Twfar in Com. Heref.

**Third night aww hynde** (*Trium noctium  
hospes*) By the Laws of S. Edw. (*cap. de  
Hospitibus*) if any guest lay a third night in an  
Inn, he was accounted a Domestick, and his  
Host was answerable for what offence he should  
commit. *Forþam night uncuth. Twa night  
guette. Thirð night aww hynde, i. Prima  
nocte incognitus, secunda hospes, tertia domesti-  
cus censetur.* Bracton, (lib. 3, tract. 2. cap. 10.  
numb. 2.) writes it *Hoghenchynne*.

**Item utimur, quod si extranei morantur in Bur-  
go prædicto ultra tres dies, inveniunt fide-  
jussores de bene gerendo se erga Burgenſes &  
Communitatem, dum moram inter ipsos fecerint.**  
MS. Codex de LL. Statutis & Consuetud. li-  
beri Burgi villæ Mountgomer. fol. 26. b. See  
*Uncuth*.

**Third-peny**, Denarius tertius est ea pars  
multarum scensuumque molumentum, que in  
comitatu olim cedebat Comiti, Rege alias duas  
percipiente. LL. Edw. Conf. cap. 31, Rex ha-  
bebit 100 solidos & Consul Comitatus 50. qui  
tertium habebit Denarium de forisfacturis, &c.  
And was anciently so fixt and appropriate to  
an Earldom, as that the Earldom of Oxford, in  
the Reign of King Henry the Second, passed by  
the Grant of Tertium Denarium Comitatus  
Oxon. ut sit inde Comes. de quo vide Selden's Ti-  
tles of Honor.

**Thistle-take**, Is a Custom in the honor of  
Halton, in the County of Chester, That if in  
driving Beasts over the Common, the Driver  
permits them to graze or take but a Thistle, he  
shall pay a half-peny a Beast to the Lord of  
the Fee. At Fiskerton in Nottinghamshire by  
ancient Custom; If a Native or Cottager kill'd  
a Swine about a year old, he paid the Lord  
1 d. and it was also call'd *Thistle-take*. Reg.  
Priorat. de Thurgarton.

**Thokes** (Anno 22 Edw. 3. cap. 2.) Thokes,  
or Fish with broken Bellies, are not by the  
said Statute to be mixt or packed with *Tale-  
fish*.

**Thol** (*Thollonium*) Est libertas emendi &  
vendendi in terra sua. Arch. Lamb. fol. 132.  
**Thol**, i. Quod Prior habet in Mercato suo die  
Lune quandam mensuram de bladis venditis, &  
quoddam certum de animalibus & ceteris simili-  
bus venditis. Reg. Priorat. Cokeford. See  
*Toll*.

**Thorough Toll.**— Bowgh in Yorkshire,  
a little Village, where in times past the Earls  
of Richmond had a pretty Castle, and a cer-  
tain Custom called *Thorough Till* (say Camden.)  
See *Toll*.

**Thrave of Corn** (*Trava bladi*) (from the

Sax. *thpeav*, i. a bundle, or the British *Dafsa*,  
i. Twenty four) Is in most parts of England  
Twenty four Sheaves, or four *Shocks*, six  
Sheaves to the Shock. Anno 2 Hen. 6. cap. 2.  
— *De qualibet Caruca arante in Episcopatu E-*  
*boraci, unam Travam bladi.* King Athelstan,  
Anno 923. gave by his Charter to St. John of Ber-  
werley Church four Thraves of Corn from eve-  
ry Plough-land, in the East Riding of York-  
shire—

---**Wat give I God and Seint John,  
Wer befor you eber ilkan.  
All my herst Corn ineldeel  
To uphold his minstre weel;  
Pa four Threve, (be Heben Kinge)  
Of ilka Plough of Estriding.**----

See *Peter-Corne*.

**Thrimſa** (from the Sax. *thpim*, quod ter-  
nos significat) Signified of old a piece of Money  
of Three shillings, according to Lambert, or  
rather (according to Selden) the third part of  
the Saxon shilling. Tit. of Honor, fol. 604. See  
*Weregeld*.

**Thritching** (*Thritchingum*) In the Statute of  
Merton, signifies a Court which consists of three  
or four Hundreds. Cokes 2 Part. Instit. fol.  
99.

**Thrower.** See *Silkbrower*.

**Thwertnik**— Edwardus, &c.— Cor-  
cessimus etiam, quod Vicecomes noster aut here-  
dum nostrorum, qui pro tempore fuerit in dicto  
Comitatu, de cetero faciat executiones pro debitis  
recuperatis & recognitis in Comitatu vel Scaccario  
Cestrie, aut in itinere Justiciariorum, qui pro  
tempore fuerit, absque aliquo capiendi pro exe-  
cutione hujusmodi facienda, licet etiam præteritis  
temporibus usum sit, prout per cartam habet ipsa  
Communitas (scil. Cestrescire) quod si aliquis  
in Curia nostra culpatus fuerit, per Thwertnik  
se defendere possit; quia hæc defensio est contra-  
ria legi Communi, nutrit malorum, pacis emula  
& damnoſa populo pacifico. Volumus etiam de  
consensu & requisitione dictæ Communitatis, Ordi-  
namus & præcipimus, quod dicta defensio per  
Thwertnik de cetero non allocetur, sed annul-  
letur totaliter & damnetur, &c. Rot. Cart. de  
Anno 11, 12 & 13 Regis Ric. 2. numb. 11. per  
Inspec. This is elsewhere written *Thirduic*  
and *Thirduicht*, i. *trium noctium hospes*, and  
sometimes used for three Nights charges for  
the Sheriff.

**Tidemen** (Anno 14 Car. 2. cap. 11.) Are  
certain Officers that belong to the *Custom-house*,  
and are appointed to watch, or attend upon  
Ships till the Custom of the freight be paid;  
and they are so called, because they go aboard  
the Ships at their arrival in the Mouth of  
Thames, and come up with the Tide.

**Tierce** (Fr. *Tiers*, i. A Third, or third  
part) A Measure of liquid things, as Wine, Oyl,  
&c. containing the third part of a Pipe, or forty  
two Gallons. Anno 32 Hen. 8. cap. 14.

*Tigh*

**Tigh** or **Teage** (Sax. *Teas*) A Close or Enclosure, a Croft. In veteri Charta Ecclesie Cantuar. Clausula.— Mansionem quoque que est in aquilonali parte Doroberniæ & clausulam quam Angli dicunt Teage, que pertinet ad prædictam mansionem, &c. The word Tigh is still used in Kent in the same sense.

**Timber of Skins** (Fr. *Timbre*) Is forty Skins. De qualibet Tymber de Fischeux venal. ob. Pat. 10 Ric. 2. pars 1. m. 30. Hec civitas (sc. Cestrie) tunc reddebat de firma 45 libras & tres Tymbres pellium Marinarum. LL. Ed. Conf.

**Timberlode** (Sax. *Timbrelode*) Servituti genus, quo vassallus obligatur materiam sive lignum de Silva, ubi præsternitur, ad Domini sui Domum deferre. Gloss. in x. Scriptores.

**Tinel le Boy** (Fr.) Is used for the Kings Hall, wherein his Servants used to Dine and Sup. Anno 13 Ric. 2. cap. 3.

**Tinemau** or **Tienman**, Was of old a Petty Officer in the Forest, who had the Nocturnal care of Vert and Venison, and other servile employments. Constitution. Forestæ Canuti Regis, cap. 4.

**Tinet** (*Tinetum*)— Et prædictus Firmarius habebit tinetum sufficiens extra bosum ipsius R. ad clausurandum terras & pasturas supradictas. Carta Ric. Moninton 21 Hen. 6. Trousle, Brushwood and Thorns to make and repair Hedges. In Herefordshire to Tine a Glat or Gap in a Hedge, is to put Trousle or Thorns in it, that Cattle may not pass.

**Tipstaff** (*Saio*, Sax. *Jagol*, i. *Fustis*, *Baculus*) Is one of the Warden of the Fleets men, that attends the Kings Courts with a Painted Staff, for the taking such to Ward as are committed by the Courts; and to attend such Prisoners as go at large by Licence. These are otherwise called *Bastons*. Anno 1 Ric. 2. 12. and 3 Eliz. cap. 23.

**Tithes** (*Decime*) from the Saxon *Teofa*, i. the Tenth are the Tenth part of all Fruits Predial, Personal, and Mixt, which are due to God, and consequently to his Churches Ministers, for their maintenance. Levit. 27. 30. Omnium bonorum licite questorum quota pars Deo, Divina constitutione, debita.

**Pasche, 1 Jac. Rot. 1119.**  
**in Communi Banco.**

It was resolved,

**Q**uod Decimarum tres sunt species, quedam Personales, que debentur ex opere personali, ut Artificio, Scientia, Militia, Negotiatione, &c. Quedam Prædiales, que proveniunt ex prædio, i. Ex fructibus prædiorum ut Blada, vinum, fenum, linum, cannabum, &c. seu ex fructibus arborum, ut Poma, Pyra, Pruna, Vilema, Cerasa, & fructus hortorum, &c. quedam Mixtæ, ut de Caseo, lacte, &c. aut ex fœtibus animalium, que sunt in pascuis, & gre-

garim pascuntur, ut in Agnis, Vitulis, Hædis, Capreolis, Pullis, &c. Ex Prædialibus sunt quedam Majores, quedam Minutæ. Majores, ut frumentum, siligo, zizania, fenum, &c. Minores sive Minutæ, quidam dicunt, sunt, qui proveniunt ex menta, aneto, oleribus, & similibus, juxta illud dictum Domini, Luc. 11. 42. Vx, qui Decimatis mentam & rutam, &c. Alii dicunt, Quod in Anglia consistunt Decimæ minutæ in lino, que sunt Prædiales, & Lana, lacte, caseo & in Decimis animalium, agnis, pullis, & ovibus; Decimæ etiam mellis & cere numerantur inter Minutas, que sunt Mixtæ. Vide Lindwood cap. de Decimis.

Laymen (in these later times) taking small occasions to withdraw their Tithes, (as Sir Edward Coke observes, 2 Inst. fol. 648.) the Statutes of 27 Hen. 8. cap. 20.— 32 Ejusdem, cap. 7. and 2 Edw. 6. cap. 13. were made to enforce the payment thereof; which former times required not, when more was often given, than was either due or demanded, as appears by these, and many other Recorded Donations.

**E**go Willielmus de Braosa do & concedo Ecclesia Sanctæ Mariæ de Bergaveny & Monachi ibidem Deo servientibus, omnem Decimam de Castello de Bergaveny, sc. De Pane, de Vino, de Cerevisia, & Sifera, & de omni genere potus, de carnibus, de piscibus, de sale, de melle, de cera, de sevo, & omni expensa generaliter, tam parva quam Magna Castellum jam prædicti, de Denariis quovomodo adquisitis & habitis, de placitis, de auxiliis, de prisonibus, de bobus, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus rebus, & de omni eventu quovomodo evenierit jam dicto Castello. Mon. Angl. 1 par. fol. 558. a.— Et Decimas omnium provenientium Placitorum, Tolnerorum, Donorum, Lucrorum & reddituum meorum, & totius panis & potus expensæ de Castello Breconie & de Haya. Carta Rogeri Comitis Herefordiæ. Sine Dat.

And anciently many Men were so scrupulously careful in their payment of Tithes, as they at their Death bequeathed a Soul scrat or Scot to their Parish Priest, in lieu of any Tithes forgotten; and at their Funerals caused their best Ox or Horse to be led with the Corps, and, as a Mortuary or Obligation, given to the Priest, in recompence of any Tithes which might be forgotten.

**Tithing** (*Tishungum*, from the Saxon *Teofunsc*, which signifies *Decuriam*) Is the number or company of ten men with their Families, cast or knit together in an Society, all being bound to the King for the peaceable behavior of each other. Of these companies there was one chief person, who of his office was called *Teothungman*, at this day in the West parts *Tithingman*, but now he is nothing but a Constable; for that old discipline of Tithings is left long since. Tithing is also used for



for a Court, *Mag. Char. cap. 25.* and *Merton, cap. 10.* See *Chief-Pledge, Frank-Pledge, Decennier, and Trithing.*

**Tithing-peny**, alias **Tith-peny**, al. **Tending-peny**, alias **Tgerching-peny**— *Et sunt quieti de Thething-peny, Tympeny, & de omnibus forisfactis quacumque occasione emerferunt, &c.* In *Mem. Scac. de Anno 26 Edw. 3.* Trin. Rot. 3. *Abbati & Monachis Rading.* **Tithing-peny**, hoc est quieti de Tallagio Decennæ sive Tithing per consuetudinem. MS. in *Bibl. Cotton.* sub rit. *Virellius. C. 9. fol. 221. b.*

**Tod of Wool**, contains twenty eight pounds, or two Stone & Mentioned in the *Stat. 12 Car. 2. cap. 32.* It comes from the *Fr. Toilet*, a Wrapper, within which, by usage, two Stone of Wool is folded. 3 *Inst. fol. 96.*

**Toft** (*Tistum* and *Tistis*) a parcel of Land, or place where a Messuage hath stood, but is decayed, or casually burnt and not re-edified. *Stat. 22 & 23 Car. 2. of Subsidy. Plowd. Com. f. l. 170.* a word much used in *Fines. West, par. 2. Symbol. tit. Fines, sect. 26.*— *Capitale Toftum & Croftum quod fuit Walteri Patris sui.* *Carta Petri de Brus* in *Bibl. Cotton*— *Scites & Tofts.*

**Tofman** (*Toftmannus*) The owner or possessor of a *Toft.* *Toftmanni similiter operabantur a Sancto Michaelis usque ad autumnum, & in autumno per 6 hebdomadus, unaquaque hebdomade per 2 dies, &c.* *Reg. Priorat. Lew. pag. 18.* See *Molman.*

**Tol** (*Tollere*) As it is a Verb, signifies to defeat or take away. *Anno 8. Hen. 6. cap. 9.* As to *Tol the Entry*, i. To take away the right of Entry.

**Toll** (*Tolnetum vel Telonium*) Is a Saxon word, derived from *tollendo*, taking, and hath two significations. First, It is used for a liberty to buy and sell within the Precincts of a Mannor: Secondly, For a Tribute or Custom paid for Passage, Buying, Selling, &c. *Bracton, lib. 2. cap. 24. numb. 3.* interprets it to be a Liberty as well to take, as to be Free from Toll, (for they who are enfeoffed with Toll are Custom-free, (says *Skene*) *Toll hoc est, quod vos & homines vestri de toto Homagio vestro sunt quieti de omnibus mercatis & de Tolneto de omnibus rebus emptis & venditis.* Of this freedom from Toll, the City of *Coventry* boasts of an ancient Charter, granted by *Leofric* (or *Litriche*) Earl of the *Mercians* in *Edw.* the *Confeffor's* time, who at the importunity of *Godeva*, his virtuous Lady, granted this freedom to that City; and in *Richard the Second's* time, (according to *Dugdale* in his Description of *Warwickshire*) the Picture of him and his Lady was set up in the South-Window of *Trinity Church* there, holding in his right hand a Charter, with these words inscribed,

I *Luriche* for the love of thee,  
Do make *Coventry Toll-free.*

Some Records make mention of *Toll-through,*

or *Thurtoll*, which is Money paid for passage in, or through some High-ways, or over Ferries, Bridges, &c. *Toll-travers*, for passing over a private Mans Ground; and *Toll-turn*, which is *Toll* paid at the return of Beasts from Fair or Market, though they were not sold. *Plowden, Casu Willian. fol. 236.* *Kitchin, fol. 104.* By the ancient Law of this Land, the Buyers of Corn or Cattel, in Fairs or Markets ought, to pay *Toll* to the Lord of the Market, in testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horns Mirror, lib. 1.* There is also *Intoll* and *Attol*, mentioned in *Hen. 1. Charter* to the Church of *St. Pierre* in *York*; Which see *Mon. Angl. 3 part. fol. 136. a.*

**Tollage** (*Anno 17 Car. 1. cap. 15.*) See *Tallage.*

**Tollester**.— *Per Tollester, clamat esse quiet. de reddend. unum Sextarium Ceroisia quod continet xvi. Lagenas, de nova cervisia mensurata, desubtus le Shakclif pro licencia braciandi cervis. per totum annum.* *Ex Rot. Plac. in Itin. apud Cestriam, 14 Hen. 7.* The same word occurs in *Carta 55 Hen. 3. m. 6.* See *Gavelsester.*

**Tolt** (*Tolta*) Is a Writ, whereby a Cause, depending in a Court Baron, is removed to the County Court, and so called because it does *Tollere loquelam*, from the one Court to the other. *Preface to Cokes 3 Rep. Plac. Coram Rege Pasc. 22 Edw. 1. Rot. 58.* *Tolta placiti significat processum per quem causa a jurisdictione Curie temporalis tollitur.*

**Toltray**.— *Venditio salis, que debet solvi, i. Bushel & dimid. salis per mensuram 4 d. MS de Temp. Edw. 1.*

**Tonne**. See *Tun.*

**Tort** (from the *Lat. tortus*) Injustice, injury. As, *De son tort mesme*, in his own wrong. *Crokes Rep. Whites Case, fol. 26.* Wrong or injury properly called *Tort*, because it is wrested or crooked. *Coke on Litt. fol. 158. b.*

**Tortfeasor** (*Fr. Tort faiseur*) A Doer of wrong, a Trespasser. *Cokes 2 part, fol 383. numb. 11.*

**Tories quoties** (*Anno 19 Car. 2. cap. 4.*) As often as.

**Torreo**, A good debt to the King, is by the *Foreign Appoy*, or other Officer in the *Exchequer*, noted for such, by writing this word for to it q. d. *Torreo pecunie Regi debentur.* Also that which is paid shall be *torreo*. *Anno 42 Edw. 3. cap. 9. and 1 Edw. 6. cap. 15.* See *Practice of the Exchequer, pag. 71.*

**Totteray**, Was a Customary Payment of four pence for every Bushel and an half of Corn, sold at *Malden* in *Essex.* *Hil. 15 Edw. 1.*

**Tourt**. See *Turne.*

**Tout temp**, *paill & uncore est*, (Always ready, and is so at the present) Is a kind of Plea in way of excuse, or defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Brooks Abr. fol. 258.*

**Towage** (*Towagium*, and *Theragium*, Fr. *Touaige*) Is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat fastned to her. Also, that Money or other recompence, which is given by Barge-men to the owner of the Ground, next the River where they tow a Barge, or other *Vessel*. The word may probably be derived from the Saxon *Teon*, *Ducere*, *trahere*.— *Dominus Rex habeat & habere debeat Thowagium navium & batellorum majorum minorum in aqua de Tyne*, &c. Pla. Parl. 18 Edw. 1. in Turre London.

**Trahare**, (Seems to be used for, to harrow, as well as *herciare*. Inq. in Anno 1223. in Registro de Blyth.

**Traylbaston**. See *Justices of Traylbaston*, and see the Copies of several Commissions granted to them by Edward the First in *Spelmans Glossarium*, verbo, *Traylbaston*. The common people in those days called them *Traylbaston*, quod sonat, Trahe baculum. Edward the First in his Thirty second year sends out a new Writ of Inquisition, called *Trailbaston*, against Intruders on other Mens Lands, who, to oppress the right owner, would make over their Lands to great Men; against Batterers hired to beat men, Breakers of Peace, Ravers, Incendiaries, Murderers, Fighters, False Assisors, and other such Malefactors; which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol. 111.* See *Plac. Parliamentaria*, fol. 211 & 280. and 4 *Inst.* 186. And in a Parliament 1 Ric. 2. the Commons of England Petitioned the King, That no Commission of Eyre, or *Trayle Baston* might be issued, during the Wars, or for Twenty years to come. *Rot. Parl. 1 Ric. 2.*

**Traytor** (*Traditor*, *Proditor*.) See *Treadson*.

**Traitorous Position**, Of taking Arms by the Kings Authority against his person, and those that are commissioned by him; condemned by the Stat. 14 Car. 2. cap. 3.

**Transcript** (*Anno 34 & 35 Hen. 8. cap. 14.* Is the Copy of any Original, written again or exemplified. As the *Transcript* of a Fine.

**Transcriptio Recognitionis factæ coram Justiciariis itinerantibus**, &c. Is a Writ for the certifying a Recognizance into Chancery, taken before Justices in Eyre. *Reg. of Writs*, fol. 152. b.

**Transcriptio pedis Finis levati mittendo in Cancellariam**, Is a Writ for the certifying the Foot of a Fine, levied before Justices in Eyre, &c. into the Chancery. *Reg. of Writs*, fol. 169. and *Reg. Judic.* fol. 14.

**Transgression**, Is a Writ, commonly called a Writ or Action of *Trespass*. Of which *Fitzherbert* hath two sorts; one, *Viscountiel*, so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County. The form whereof differs from the other, because it hath not these words *Quare*

*vi & Armis*, &c. *Nat. Bt. fol. 84. G.* The other is termed a *Writ of Trespass*, which is to be sued in the *Common Pleas* or *Kings Bench*. *Nat. Bt. fol. 92. E.* See *Trespass*, and the divers use of this Writ in the Table of *Reg. of Writs* & 2 *Inst. fol. 419.*

**Transire** (*Anno 14 Car. 2. cap. 11.*) Is used for a Custom-house Warrant, or a Let-pass; from *transire*, to go forth, or let pass.

**Transitory**, Is the opposite to *Local*. See *Local*.

**Tranterp**. So in some Mannors they call the Money arising by Amercements of Ale-sellers and Victuallers, for breaking the Assise of Bread and Ale, as at *Luston*, and other Mannors in *Herefordshire*, especially those belonging to the *Bishopric of Hereford*. But why so called *Quare*.

**Traves** (*Trave bladi*) *Claus. 5. Ed. 2. dors. 21. and Claus. 12 R. 2. m. 34.* granted to the Provost of *St. John of Beverly*. See *Peter-Corn and Throve*.

**Travers** (from the Fr. *Traverser*, i. *Transfigore*) Signifies sometimes to deny; sometimes to overthrow or undo a thing, or to put one to prove some matter, much used in answers to a Bill in *Chancery*; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiffs Bill, either by confessing and avoiding, or by denying and traversing the material parts thereof: The formal words of which *Travers* are, in our French, *sans ceo*, in Latin *absque hoc*, in English *without that*. See *Kitchin*, fol. 227 & 240. To *Travers* an Office is nothing else but to prove, That an Inquisition made of Goods or Lands by the Escheater, is defective and untruly made. So to *Travers* an Indictment, is to take issue upon the chief matter, and to contradict or deny some point of it. As in a Presentment against *A.* for a High-way overflown with Water, for default of scouring a Ditch, &c. *A.* may *Travers* either the matter, that there is no High-way there, or that the Ditch is sufficiently scoured; or otherwise he may *Travers* the Cause; viz. That he hath not the Land, or that he and they whose estate, &c. hath not used to scour the Ditch. *Lamb. Eiren. lib. lib. 4. cap. 13. pag. 521. 522.* See the *New Book of Entries*, verbo, *Travers*.

**Treason** (Fr. *Trahison*, i. *Proditio*) Is divided into high and petit: *Anno 25 Edw. 3. Stat. 3. cap. 4.* High-treason is defined to be an offence committed against the Security of the King or Commonwealth, whether it be by imagination, word, or deed; as to compass or imagin the death of the King, Queen, or Prince; or to deflower the Kings Wife, or His eldest Daughter unmarried, or His eldest Sons Wife, or levy War against the King in His Realm, adhere to His enemies, counterfeit His Great Seal, Privy Seal, or Money; or wittingly to bring false Money into this Realm counterfeited like the Money of England, and utter the same: To kill the Kings Chancellor,



Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place, doing their Office. (*An. 25. Edw. 3. cap. 2.*) Forging the Kings Seal-Manual or Privy Signet, Privy Seal, or Foreign Coyn current here (*Anno 2 Mar. cap. 6.*) or diminishing or impairing current Money (*5 Eliz. cap. 11. 14 Eliz. cap. 3. and 18 Eliz. cap. 15.*) Or to say, the King is an Heretic or Papist, or that He intends to introduce Popery, &c. *Anno 13 Car. 2. cap. 1.* And many others, which you may read there, and in other places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called *Treason Paramount*. *Anno 25 Edw. 3. cap. 2.*

*Petit Treason*, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience, and in how many other Cases *Petit Treason* may be committed. See *Cromp. Just. of Peace*. This kind of Treason gives forfeiture of Escheats to every Lord within his own Fee. See *Bracton, lib. 3. tract. 2. cap. 3. numb. 1 & 2.* There is also mention of *Accumulative Treason*, and *Constructive Treason*, in the Stat. *14 Car. 2. cap. 29.*

*Treasure-trove*, (Fr. *Tresor-trouve*, i. Treasure found) Signifies *vestrem depositionem pecunie, cujus non extat memoria, ut jam dominum non habeat*—And, though the Civil Law give it to the finder, according to the Law of Nature, yet, our Law gives it to the King by His Prerogative, or to some other, who claims by the Kings Grant, or by Prescription, as appears by *Bracton, lib. 3. Tract. 2. cap. 3. numb. 4.* The punishment for concealing *Treasure found* is imprisonment and fine. But, if the owner may any ways be known, then it does not belong to the Kings Prerogative. *Brison, (cap. 17.)* says, 'tis every Subjects part, as soon as he has found any *Treasure* in the Earth, to make it known to the Coroners of the County, &c. See *Kjochin, fo. 40. Anno 1 & 2 Ph. and Mary, cap. 15.* This was anciently called *fyndaringa*, of finding the Treasure. *LL. Hen. 1. cap. 11. See 3 Inst. 132.*

*Treasurer*, (*Thesaurarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth in the Exchequer, as also the Check of all Officers any way employed in collecting Imposts, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Repub. Angl. lib. 2. cap. 14. See Anno 20. Ed. 3. cap. 6. and other Statutes relating to this Great Officer, he is made, by the Kings delivering the White Staff to him. There is also Treasurer of the Kings Household, who is also of the Privy-Council, and, in the absence*

of the Steward of the Household, has power, with the Controller and Steward of the Marshallsea, without Commission to hear and determine Treasons, Murder, &c. committed within the Kings Palace. *Stam. Pl. Cor. lib. 3. cap. 5.* There is also in the Statutes mention of *Treasurer of the Exchequer, Treasurer of the Navy, Treasurer of the Kings Chamber, Treasurer of the Kings Wardrobe, Treasurer of the Wars, &c.* And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburseth their common expences.

*Treat* (From the French *Traite*, i. *Emulger*) Signifies as much as taken out, or withdrawn: As a Juror was challenged, because he could not dispend 40 l. and therefore was *treat* by the Statute (*Old Nat. Br. fol. 159.*) that is, removed or discharged.

*Trebuchet*, (*Terbichetum*) A Tumbrel, or Cockstole, 3 Part. *Inst. fol. 219. See Tribuch.*

*Treeding*. See *Tribing*.

*Treet* (*Triticum*, i. Wheat.) In the Statute of 51 Hen. 3. Bread of *Treet* seems to be that bread which was made of fine Wheat. See *Cokes*.

*Trencatum*—*Usq; ad Trencatum in Marisco*, 2 *Monast. fol. 211. b. a Trench.*

*Trencher* (from the Fr. *Trember*, to cut) a Carver of Meat at a Table, as we often find in the Patent Rolls, Pensions granted by our Kings to J. S. *uni Trencatorum nostrorum*.

*Trental* (*Trentale*) An Office for the Dead, on the 30th day after the parties death, or consisting of thirty Masses; from the Italian *Trenta*, i. *Triginta*, mentioned *Anno 1 Ed. 6. cap. 14.*—*Et volo Et ordino quod Executores mei ordinent seu ordinare faciant unum Trental pro salute anime mee.* Will proved, *Anno 1456.*

*Trespas* (*Transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misdemeanor of either, *Stam. pl. Cor. fol. 38.* where he says, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason nor Felony, but *Trespas*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespas-general*, otherwise termed *vi Et armis*; and, *Trespas-special*, otherwise called *Trespas upon the Case*, which seems to be without force (howbeit sometimes they are confounded.) In an Action of *Trespas* the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. See *Brokes Abridg. Tit. Trespas*.

There is also *Trespas local*, and *Trespas transitory*; *Trespas local* is that, which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place, only by saying, *absque hoc*, that he did the *Trespas* in the place mentioned in the Declaration,

Declaration, and aver it, it is enough to defeat the action. *Trespas transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespas quare Clausum fregit* ought to be local. *Bracton*, lib. 4. cap. 34. numb. 6. divides *transgressionem* in *majorem* & *minorem*. See also *New Book of Entries*, verbo *Trespas*.

*Trespasants*, (Fr.) Passengers: So *Britton* uses it, cap. 29.

*Tret*. See *Tart*.

*Treuga* & *Truga*, A League, Truce, or Cessation of Arms. *Rex*—*Sciatis quod cum quidam inimici nostri regnum nostrum Anglia, cum posse non modico, presentibus Treugis non obstantibus, hostiliter ingressi fuimus*. *Rot. Parl.* 5 Hen. 4. n. 24. See *Custos Treugarum*.

*Trial*, (*Triatio*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; as, Matter of Fact shall be *tryed* by the Jurors; Matters of Law, by the Justices; Matters of Record, by the Record it self. A Lord of Parliament upon an Indictment of Treason, or Felony, shall be *tryed* without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be *try'd per bonos & legales homines*. If ancient Demeasns be pleaded of a Mannor, and deny'd, this shall be *try'd* by the Record of *Domesday*. *Bastardy*, Excommungement, lawfulness of Marriage, and other Ecclesiastical matters, shall be *try'd* by the Bishops Certificate. Of the ancient manner of *Trials* by Combat, and great Assize, see *Combat* and *Assize*. See *Stamf. pl. Cor. lib. 2. cap. 1, 2, 3.* And *Twelve Men*. *Triatio est exactissima, lris contestata, coram Judice, per duodecim virale sacramentum, exagitatio*. *Pat. 3. Joh. m. 3. in fidelitate Leulini statuitur de triatione differentiarum disti Leulini, &c.*

*Trial per Pan*, i. *Per Parriam*, by a Jury.

*Tribuch* & *Trebuchet*, (*Terbichetum*) A Tumbrel, Cuckingstole, or Gogingstole.—*Hec omnia concedimus deo & Ecclesie Sancti Albani, cum Soca & Sacca, on Strande & Extreme, an Wlode & ffeld, Toll & Teym, Tribuch, Hamfoken, Mordre, Forestal, Danegeld, Infangenthesf & Utsfangenthesf, Flamenefremots, Blodwize, Wreck, &c.* *Carta Joh. Regis, Dat. 11 Junii, Anno 1 Regni.*

*Tricesima*, An ancient Custom so called in the Borough of *Bromyard* in *Com. Heref.* because thirty Burgesses paid 1 d. yearly Rent for their Houses to the Bishop who is Lord of the Mannor. *Lib. niger Heref.*

*Trihing* or *Trithing*, (*Sax. Tpihinza*) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a Court-Baron, and inferior to the County Court. *Breve de Attornato de loquels, &c. Regist. 266.*—*Provisum est quod quilibet liber homo libere possit fa-*

*cere Attornatum suum ad loquelas suas prosequendas & defendendas motus in Trithyngis, Comitatus, Wapentachiis & aliis Curis sine breve nostro.* Sur le Statute de *Merton*, cap. 10. *Fiat autem visus de Franciplegio sic, viz. quod pax nostra teneatur, & quod Trithinga sit integra, sicut esse consuevit, &c.* *Mag. Char. cap. 36.* See *Fleta*, lib. 2. cap. 61. & *Origin. Jurid. fol. 26.* See *Latb.*—*Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Gelde, auxilio vicecomitum, Hydagio, & a secta in Schiris, Wapentachiis, Hundredis, Trithingis, & omnimodis aliis Curis & seculi oneribus universis.* *Carta Eadredi Regis Anno 948. Abb. & Monachis Croiland. V. vitam Afredi. fol. 79.*

*Trinity-house*, Is a kind of College at *Deptford*, belonging to a Company, or Corporation, of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redress their doings, as also to correct the faults of Sailors, &c. and to take care of divers other things belonging to Navigation and the Seas. *Anno 8 Eliz. cap. 13.*

*Triniumgeld* (*Sax. Dpi-niSonGild*, i. *Ter-nona-solutio*) grandis delicti compensatio, quæ non absolvitur nisi ter-novem gildis, i. solutionibus.

*Trink*, Is a kind of Fishing-net, or an Engin to catch fish, *Anno 2 Hen. 6. cap. 15. Cokes 12 Rep. fol. 89. Mich. 9 Jac.*

*Triuoda necessitas*, i. *Expeditis, Pontis, & Arca reparatio*. These were the three Exceptions anciently inserted in the Kings Grants of Lands to the Church, after the words that freed them *ab omni seculari servitio*. *Carta Cedwalla Regis Eccl. Cant. Anno 730.*

*Triours*, Are such who are chosen by the Court to examin whether a Challenge made to the Panel, or any of them be just, or no. *Brook. iit. Challenge, fol. 122. and Old Nat. Br. fol. 158.*

*Triroda terra*—*Dedit unam Trirodam terræ arabilis, quæ est forera cum pertin. in campis Stauwfordie, &c.* *MS. Cartarum penes Eliam Almoole Arm.* It seems to signifie a quantity of Land containing three Rods or Perches.

*Trista*.—*In quo Rex cum ceteris superior constitisset, secum idum legem venandi, quam vulgus Tristam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obsessa undique bestia, ubicunque eligeret exitum, inveniret exitum, &c.* *Decem Scriptores, fol. 307: Servitium vel Officium plane sapit, fiducia mixtum; Origo, ni fallor, a nostratium Trist. Glof. in x. Script. See Tristia.*

*Tristis, Tristis & Trista*, (from *Traist* i. Trust) Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is dispos'd to chase within the Forest, and shall not be compell'd to hold a dog, follow the chase, nor stand at a place appointed, which otherwise he might be, under pain of amercement, *Manw. par. 1. pag. 86.*—*Et*

*fin*



# T U

*sint quieri*, &c. *de chevagio*, **Hunde, peny**, **Duckatul & Crutru**, & *de omnibus misericordiis*, &c. *Privileg. de Semplingham*. 1 *Inst.* fol. 306.

**Thything**, (*Trythingum*) In the Statute of *Merton*, ca. 10. signifies a Court consisting of three or four Hundreds; 2 *Inst.* fol. 99. See *Tribing*.

**Tonage**, (*Tonagium*) Is Custom, or Toll taken for weighing Wool; *Fleta*, (lib. 2. cap. 12. Sect. Item *ulnas*) says, that *Trona* is a Beam to Weigh with, mentioned in *Westm.* 2. cap. 25. See *Pesage*.

**Tronator**, (from *Trona*, i. *Statera*) An Officer in the City of London, who weighs the Wool that is brought thither. See his Oath in the *Book of Oaths*, fol. 231.

**Trover**, (Fr. *Trouver*, i. *Invenire*) Is the name of an Action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries*, verbo *Trover*. Actions of *detinue* are of late much turned into Actions upon the Case, *sur Trover & Conversion*. Preface to *Rolls Abridgment*.

**Troy-weight**, (*Pondus Troie*) See *Weight*.

**Trug** or **Trug-Corn**—*Tres Trugg frumenti vel avene faciunt 2 Bushels infra Prebendam de Hunderton in Ecclesia Heref.* MS. de temp. E. 3. In the black Book of Hereford we find *Truga frumenti*, for that measure of Wheat. And, at *Lempster* at this day the Vicar has *Trug-Corn* allow'd him for Officiating at some Chapels of ease (as *Stoke* and *Docklay*.) within that Parish; Haply it may come from the Sax. *Troos*, which signifies a great hollow Vessel, or Trough.

**Tumbrel**, (*Tumbrellum*, *turbichetum*.) Is an Engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin*, fol. 13. See *Cucking-stool*. Item, *si aliquis, qui in libertatem nostram, per assensum & consensum. Comburchensium nostrorum, admissus fuerit, fecerit aliquod delictum, per quod ad penam publicam seu vile Judicium, ut ad Collistrigium vel Tumbrellum, vel aliquod aliud hujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso facto amitter libertatem suam*. MS. Codex de LL. Statutis & Consuetud. Burgi villæ Mountgom. fol. 11.

**Tun**, (*Tunellum*) Is a measure of Oyl or Wine containing twelve score, and twelve Gallons, or four Hogheads, Anno 1 *Rich.* 3. cap. 12. 2 *Hen.* 6. cap. 11. and 12 *Car.* 2. cap. 4. a Tun of Timber is 40 solid feet; a Load 50.—*Ex dono Wil. de Braosa unum Tunellum vini rubei de tribus modis & dimid. in villa de S. ad Missas celebrandas*. Mon. Angl. 3. p. fol. 8. a.

**Tunseve**, (Sax. *Tunsewa*, i. *Ville prepositus*) A Reeve, or Bailiff; *qui in villis ( & que dicimus Maneris) Domini personam sustinet, ejusque vice omnia disponat & moderatur*. *Spelman*.

**Tunnage**, al. **Tonnage**, (*tunnagium & ton-*

# T W

*nagium*) Is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like Vessels, from or to other Nations after a certain rate for every Tun, *An.* 12 *Edw.* 4. cap. 3.—6 *Hen.* 8. cap. 14.—1 *Ed.* 6. cap. 13.—1 *Jac.* cap. 33. & 12 *Car.* 2. cap. 4. It is sometimes used for a duty due to the Mariners for unloading their Ships, arrived in any Havens, after the rate of so much a Tun. *Tunnage* and *Poundage* began in the 45th of *Edward the Third*. *Cottoni posthuma*, fol. 172. See 4 *Inst.* fol. 32.

**Turbagium**.—*Et decimam de Turbagio de una Snathfeld.* 1 *Mon.* fol. 632. b. A place where *turves* are digg'd; or the liberty of digging.

**Turbary**, (*turbaria*) Is a right or interest to dig *turves* on another mans ground, *Kitchin*, fol. 94. And, *Common of Turbary* is a Liberty which some Tenants have by prescription to dig *turves* on the Lords Waste. *Turbaria* is sometimes also taken for the ground where *turves* are digged. *Turbaria bruaris*, a Flaw-turf or Heath-turf, mentioned in a Charter of *Hamon de Massy*, *sine dat.*

**Turn**, (*turnum*) Is the Sheriffs Court, kept twice every year, viz. within a Month after *Easter*, and *Michaelmas*. *Mag. Charta*, cap. 35. & 3 *Edw.* 3. cap. 15. From this Court are exempt only Arch-bishops, Bishops, Abbats, Priors, Earls, Barons, all Religious Men and Women, and all such as have *Hundreds* of their own to be kept. Anno 25 *Hen.* 3. cap. 10. *Britton*, (cap. 29.) calls it *Tour* (i. *ambitus, circuitus*.) It is a Court of Record in all things that pertain to it, it is the Kings Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Crompt. Jur.* fol. 230. and 4 *Inst.* fol. 260. It is called the *Sheriffs Turn*, because he keeps a Turn or Circuit about his Shire, holding the same in several places. Sir Jo. *Dodridge's Hist. of Wales*, fol. 50.

**Turney** or **Tournement** (Fr. *Tourney*, i. *De-cursorium*) Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined. *Torneamenta dicuntur nundine vel ferie in quibus milites ex condito convenire, & ad ostentationem virium suarum & audacie, temere congregari solent*. This word is used in the Statute 24 *Hen.* 8. cap. 13. but, the thing it Self is now disused. But anciently was of such note among us, that it was used as a kind of Epoch in publick Writings, as—*Habendum a Festo Sancti Michaelis proximum ante primum Torneamentum fuit tempore Domini Regis Ric.* Anno 1194. *Carta penes Eliam Ashmole Arm.*

**Turno vicecomitum**, Is a Writ that lies for those that are called to the Sheriffs Turn out of their own Hundred, *Reg. of Writs*, fol. 174.

**Twaite**, Signifies a Wood grubbed up, and turned to Arable. *Coke on Littl.* fol. 4. b.

**Twa nights gæste**, (*Hospes duarum noctium*) If he did harm to any, his Host was not answerable for it, but himself. *Hoveden, parte, poster. fol. 345. b.* See *Third-nights-aw-bine*.

**Twelve men**, (*duodecim homines legales*), otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is deliver'd likewise to them, which we call the *Issue*, then they are put in mind of their Oath, to do right, and are, by the Judges, summing up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, until they are agreed: Which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court) the Judgment passeth.

In *Causas Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all Causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Bracton* 12 *Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *villa vera* upon the Bill of Presentment, which is an Inditement of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Inditement*, *Affise*, *Jury*. See the Statute 35 Hen. 8. cap. 6. & 37 *eiusdem*, cap. 22.— 2 Ed. 6. cap. 32. & 5 Eliz. cap. 25.

**Tymber of skins**, Is 40 skins. *Book of Rates, fol. 18.*

**Tympany**. *Abbas & Monachi Rading*— *Sint quieti de triburis & lastagiis & stallagiis de Thething-peny & Tympany, de summonitionibus de Assis & super Assis, &c.* In Memorand. Scacc. de Anno 20 Ed. 3. int. Record de Trin. Rot. 3. I find it elsewhere written *Tinpeny*. *Mon. Angl. 1 Par. fol. 419. a.* Quære.

## U.

**Vacation**, (*Vacatio*) Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our Ancestors days. See *Hoveden's Annals, Par. post. fol. 343. a.* where you

shall find that this intermission was called *Pax dei & Ecclesie*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation Westm. 1. cap. 21. & 14 Edw. 3. cap. 4 & 5.* See *Plenary*.

**Vacca lactarea**, A milch Cow— *Et præterea ad tres vaccas lactareas & ad unum Palefridum in mea dominica pastura.* *Regist. Prior. de Wormley, fol. 49.*

**Vaccarie**, alias **Vaccharie**, **Vaccaria**, al. **Vaccharia**, **Vachiria**, and **Vacheria**) Is a House or place to keep Cows in. *Fleta, lib. 2. cap. 41. Domus sive locus quo vacca aluntur, vel quo negotium quod ad eos attinet perficitur. Spelm.* A Dairy-house, or Cow-pasture. Without warrant, no Subject may have a *Vaccary* within the Forest. *Crom. Jur. fol. 194.* But, in the Stat. 37 Hen. 8, cap. 16. *Vacchary* seems to be a special name of a certain compass of ground within the Forest of *Ashdown*. And we read of the *Vaccary* of *Wyresdale* in *Com. Lanc. Rot. Fin. 35 Ed. 3. m. 23.*

**Vadlat**, Seems to be the same with *Valeit* *A tous ceus que cetes lettres verront ou orrent Gilbert Talbot salutx en dieu. Sachez moy aver assignez & plein poer dene a mon cher Vadlat, Johan de Lunhales de purchaser en mon nom dis Liveries de terre a lestante en Counte de Hereford, & la seisine la terre reserver & en mon nom continuer, tanquil eit autre mandement de moy. En tesmoigniance, &c. dat. 10 Marcii 1 Edw. 3. Ex Registro Priorat. de Wormley penes Edw. Harley mil. Balnei.*

**Vadum** (*Lat.*) A Ford; But I have seen it thus used,— *Et quod homines sui faciant fidelitatem ad Vadum Parci predicti R. Carta antiqua.*

**Waga**. See *Waga*.

**Vagabond**, (*Vagabundus*) One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes.— *De Vagabundis & aliis hominibus mendicantibus qui se nominant, Travelyng-men, &c. Charta, 22 Hen. 6. m. 34. n. 36. Item utimur, quod nullus Vagabundus vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campanæ nostræ communis, vocatæ Coverfu, Et si aliquis ibidem capiatur post pulsationem dictæ Campanæ ducatur ad Gaulam Domini Regis, & ibi morabitur usque in crastinum ut noticia persone sue habeatur, & emendas faciet ad voluntatem Balivorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat. MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore Hen. 2.*

**Valet**, **Valet**, or **Vadelet**, **Vadlat** & **Vadlet**, (*Valetus vel vadelet. Qui juxta dominum vadit seu ministrat. Fr. Valet.*) A Servitor, or Gentleman of the Privy-Chamber, according to *Camden*. But *Selden* (in his *Titles of Honor, fol. 831.*) says, *Valets* anciently signify'd the young Heirs which were to be Knighted, or young Gentlemen of great descent or quality.



but now attributed to those of the Rank of Yeomen. In the Accounts of the Inner-Temple it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Varlets*. In *Reg. of Writs*, 25 b. *Valetus*. If the Sheriff be a *Vadelect* of the Crown, &c. Coke on Lit. fol. 156. Sciant— *Quod ego Henricus Comes Lancastrie, Leicestr. & Nichol. Senescallus Anglie Dedimus— Dilecto Valetto nostro Johanni le Blount novem acras terre cum pertin. in Holland in Foresta nostra de Duffeld*, &c. *Dat. apud Heggam Ferrers 3 die Junii 5 Ed. 3.* Penes Wal. Kirkham Blount Bar.

*Valet* was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of Yeomen. *Selden's titles of Honour*, fol. 831.

*Value*, (*Valentia*, *Valor*) Is a known word; but, *Wist* gives us a nice difference betwixt *value* and *price*.— The *value*, says he, of those things, in which offences are committed, is usually comprised in Inditements, which seems necessary in *Theft*, to make a difference from *petit Larceny*; and in *Trespass*, to aggravate the fault, and increase the Fine: But, no *price* of things *ferre nature* may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty. *Anno 8. Ed. 4. fol. 5.* nor of Charters of Land. And, where the number of the things taken are to be expressed in the Inditement, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin current it shall neither be said *pretii*, nor *ad valentiam*, for the price and value thereof is certain, &c. *Par. 2. Symbol. tit. Inditements. Sect. 70. V. W.*

*Writ of Marriage*, (*Valere maritagii*) Was a Writ that lay for the Lord, having professed Covenable Marriage to the Infant, and he refusing it, to recover the *value* of the Marriage. *Old. Nat. Br. fol. 90.* but taken away by the Statute 12 Car. 2. cap. 24.

*Vantarius*, *Præcursor*. As *Vantarius Regis*, the Kings Fore-foot-man. *Richardus Rochesley*, miles tenebat terras Seatonie per Seriantiam esse Vantarium Regis in Gascoign, donec perusus fuit pari soluturum precii 4 d. i. until he had worn out a pair of Shoes of 4 d. price. *Rot. de Finibus. Term. Mich. 2 Ed. 2.*

*Variance*, (From the Fr. *Varier*, i. *Alterare*) Signifies an alteration or change of condition, after a thing done. As, the Commonalty of a Town make a composition with an Abbat, and after obtain Bailiffs by grant from the King. In this case, if the Abbat commence any Sute for breach of the composition, he must vary from the word *Commonalty* set down in the Composition, and use *Bailiffs and Commonalty*. *Brook*, tit. *variance*, fol. 292. It is also used for an alteration of something formerly laid in a Plea. See *Variance* in the *New Book of Entries*.

*Varlets*, By a Repealed Statute of 22 Rich. 2. cap. 2. were used for Yeomen, or Yeomen-servants. See *Valets*, and the Statute 3 Car. 1. cap. 4. *Will. Hunt Varlet del Chambre nostre Seigneur le Roy. Claus. 12 Rich. 2. m. 43.* in dorso.

*Vaslet*, (*Vaslettus*)— *Concordia inter Regem & Radulphum de Normanvil, viz. quod Rad. tenebit in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat CC. Marcas quas debebant Regi Johanni de Fine pro redemptione dicti Geroldi, & per sic deberetur; Thomas filius dicti Radulphi Vaslettus in custodia Regis, qui similiter morabatur in servitio Regis cum predictis Geroldo & Radulpho fratribus suis. Pat. 1 Hen. 3. in dorso m. 13.* It seems here to signify a *Ward*. See *Valest*.

*Vassal*, (*Vassallus*, from the Germ. *Gesell*, i. *Comes qui mercede servit*) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, makes me wave that enlargement which *Cowel* has upon it.

*Writ of Waste*, Is a Writ that lies for the Heir against the Tenant for life or years, for making waste, or for him in the reversion or remainder. *Fitz. Nat. Br. fol. 55.* See the Statute 6 Ed. 1. cap. 5.

*Vavasor*, alias *Walsasor*, Is one who in dignity is next a Baron. *Camd. Brit. pag. 109.*— *Bracton, lib. 1. cap. 8.* lays thus of them— *Sunt & alii potentes sub Rege, qui dicuntur Barones, hoc est, robur belli; sunt & alii qui dicuntur Vavasores, viri magnæ dignitatis: Vavasor enim, nihil melius dici poterit, quam vas sortitum ad valetudinem.*— *Rex, &c. Ballivis Petri de Prætelis de Insula Gorse & Gernse, &c. volumus— quod Episcopi, Abbates, Abbatissa, Clerici, Milites, Vavasores, & alii qui redditus & tenementa habent in Insula Gorse, &c. quintam partem reddituum suorum unius anni, &c. præbeant ad sustentandum milites & servientes qui prædictas Insulas defendunt, Pat. 5 Joh. m. 7.* See more of these in the learned *Spelmans Gless.*

*Vavasorie* (*Vavassoria* & *Vavassorissa*) The Lands that a *Vavasor* held— *Quod dicitur de Baronia non est observandum in Vavassoria, vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia. Bract. lib. 2. cap. 39.*

*Vautrier* (Fr. *Vautrier*, lat. *Veltrarius*) a man that leads a Lime-hound or Grey-hound for the Chase, a Huntsman. *Ffc. 34 Ed. 1. n. 37. Kanr.* Hence our corrupted word *Fenteer*, for a Dog-keeper.

*Deal Money*, or *Deal noble Money*, The Tenants of one of the Tithings within the Mannor of Bradford in Com. Wilts, pay a yearly Rent by this name to their Lord, the Marquis of Winchester, which is in lieu of *Veal* paid formerly in kind.

**Viewours** (*Visores*, from the Fr. *Veoir*, i. *Cernere, intueri*) Are those that are sent by the Court to take *view* of any place in question, for the better decision of the right. *Old Nat. Br. fol. 112.* So *Bracton* uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to *view* such as *Essoign* themselves *De malo lecti*, whether they are in truth so sick, as they cannot appear, or whether they counterfeit. *Bracton, lib. 5. tract. 2. cap. 10 & 14.* Lastly, It is used for those that are sent or appointed to *view* an offence, as a Man murdered, or a Virgin ravished. See *View*.

**Veltraria, Vel Ministerium de Veltraria** *Henricus de la Mara reddit compotum de 28-6-8. pro ministerio patris sui, de Veltraria, Rot. Pip. de 5 Steph.* Seems to be the Office of Huntsman, or Dog-leader.

**Wendition erponas**, Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgment given in the Kings Court. *Reg. Judic. fol. 33.* And *Anno 14 Car 2. cap. 21.*

**Wenditor Regis**,—*Philippus de Lardimer clamat esse Venditorem Domini Regis de Feodo in Com. Ebor. de omnibus rebus que vendi debent, pro debito Domini Regis, vel etiam pro Auro Regine. Ita viz. quod ipse vel certus suus Attornatus ibit ad mandatum Vic. de loco in locum infra Com. sumptibus suis ad predictas venditiones faciendas, Et capiat de unaquaq; venditione pro Feodo suo xxxii denar. Quo Warr. Ebor. temp. Ed. 1.* Which liberty was afterwards seized into the Kings hands for the abuse thereof, as appears by the great Roll in the Pipe Office, *Anno 2 Ed. 2.* The Kings Saleman.

**Venire facias**, Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpus*, and after a *Distress*, until they come. *Old Nat. Br. fol. 157.* See how diversly this Writ is used in the Table of the *Register Judicial*. There is also a Writ of this name; that is *original*, as appears in the *Reg. of Writs, fol. 200.* Which *Lambert* in his *Processes* annexed to his *Eiren.* says, is the common Process upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also in the *New Book of Entries, verbo, Enquest*, fol. 253. And the *Stat. 35 Hen. 8. cap. 5.*

**Venire lactas tot matronas.** See *Ventre inspiciendo*, and *Lamb. Eiren. lib. 4. cap. 14. pag. 532.*

**Ventre inspiciendo**, Is a Writ for the search of a Woman, that says she is with child, and thereby withholds Land from him that is

next Heir at Law. *Register of Writs, fol. 227. b.*

**Venue or Venew** (*Vicinetum al. Vifnetum*) Is taken for a neighbouring or near place, *Locus quem vicini habitant.* For example, Twelve of the Assise ought to be of the same *Venew*, where the Demand is made. *Old Nat. Br. fol. 115. Anno 4 Hen. 4. cap. 26.* And *25 Hen. 8. cap. 6.* — And also shall return in every writ *Penal* upon the *Venire facias*, for sufficient *Homage*, at the least, if there be so many within the Hundred, where the *Venire* lies. See *Vifne*.

**Verr.** See *Verr.*

**Verdewor** (*Viridarius, Fr. Verdeur, i. Castes nemoris*) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the same Shire, within the Forest where he dwells, and is sworn to maintain, and keep the Assises of the Forest, and to view, receive, and enrol the Attachments and Presentments of all manner of Trespassers of *Verr* and *Venison* in the Forest. *Manwood, par. 1. pag. 332.* His Office is properly to look to the *Verr*, and see it be well maintained. *Crompt. Jurisd. fol. 165.* His Oath, Fee, and Authority, see in *Manwood supra*, and fol. 51.

**Verdict** (*Verdictum, quasi dictum veritatis*) Is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their Tryal; which is twofold, *General* or *Special*. *Stamf. Pl. Cor. lib. 3. cap. 9.* A *General Verdict*, is that, which is given or brought into the Court in like *General* terms to the *General Issue*; as in Action of *Disseisin*, the Defendant pleads, *No Wrong, no Disseisin*: Then the Issue is *General*, whether the Fact be a wrong, or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a Wrong and *Disseisin*, or for the Defendant, that it is no Wrong, no *Disseisin*.

A *Special Verdict*, is, when they say *at large*, that such a thing, and such they find to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their Opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this *Special Verdict*, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Stamf. ubi Supra. New Book of Entries, Verbo, Verdict.* And *Coke on Little. fol. 228. a. Item utimur, quod Balivi & Coronatores Burgi nostri usi fuerint & adhuc utuntur recipere Verdictum Duodecim Juratorum ex quacunque causa infra Burgum nostrum predictum seu ejus libertatem emergenti sive contingenti, Seneſcalli presentia nullo modo expectata.* *MS. Codex de LL. & Statutis. Burgi-villæ Mountgomer. fol. 15.*

**Virge** (*Virgata*) Is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and



and that seems to have been Twelve Miles compass, Anno 13 Rich. 2. stat. 1. cap. 3. Britton, fol. 68, & 69. Cokes Rep. lib. 4. fol. 47. See the Stat. 33. Hen. 8. cap. 12. *Fleta* (lib. 2. cap. 4. sect. 1.) says, This compass about the Court is called *Virgata*, a *Virgata*, quam Marishallus portat ut signum sue potestatis.

*Verge* is also used for a Stick or Rod, whereby one is admitted Tenant, who, holding it in his hand, swears Fealty to the Lord of a Mannor, and is therefore called *Tenant by the Verge*. Old Nat. Br. fol. 17.

*Verge of Land* (Anno 28 Edw. 1. Statute of Wards) *Virgata terra*. See *Yard-land*.

*Vergers* (*Virgatores*) Are such as carry White Wands before the Justices of either Bench, &c. *Fleta* lib. 2. cap. 28. Otherwise called *Porters of the Verge*.

*Very Lord, and very Tenant* (*Verus Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. Brook, tit. *Harriot*. fol. 23. In Old Nat. Br. fol. 42. You have these words—And know ye, that, in taking of Leases, six things are necessary, viz. Very Lord, and very Tenant. Service behind; the day of the taking; Seisin of the Services and within his Fee. And, that a Man is not very Tenant, until he have returned to the Lord by some service. See Anno 19 Hen. 7, cap. 15. And see *Tenant*.

*Vert* (Fr. *Verd*, i. *Viridis*) otherwise called *Greenhue*, signifies in the Forest Laws, every thing that grows, and bears green Leaf within the Forest, that may cover a Deer. *Manwood*, 2 Part. fol. 6. & 33. *Vert* is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Hault Bois*, and *Neather Vert*, *South Bois*, And of this you may read *Manwood*, 2 par. cap. 6. per totum. *Vert* is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See 4 Inst. fol. 317.

*Vertise*, Otherwise called *Plonkets*. Anno 1 Rich. 3. cap. 8. A kind of Cloth.

*Velles* Anno 1. Rich. 3. cap. 8. And 14 & 15 Hen. 8. cap. 11. otherwise called *Set Cloaths*, most commonly made in *Suffolk*.

*Vest* (*Vestire*) *Plenam possessionem terræ vel prædii tradere; saisinam davo, infeodare*. Says *Spelman*.

*Vestry-men* (Anno 15. Car. 2. cap. 5.) Are a select number of the chief Parishioners of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the *Vestry* of the Church.

*Vesture* (*Vestura*) Signifies a Garment, but we turn it Metaphorically to betoken a Possession, or an admittance to a Possession, or Seisin: So is it taken in *Westm.* 2. cap. 25. And in this signification it is borrowed from the Feudists, with whom *Investitura*, imports a Delivery of Possession by a Spear or Staff, and *Vestura*, Possession it self. *Hottoman*, verbo,

*Investitura Vestura terræ, i. Segetes quibus terra Vestitur*. MS.

*Vesture of an Acre of Land* (Anno 14 Edw. Stat. 1. Is the profit of it, or the Wood, or Corn growing upon it. So in *Extenta Manerii*. 4 Edw. 1. It is Inquirable, how much the Vesture of an Acre is worth, and how much the Land is worth, when the Wood is felled.

*Vetitum namium*, *Namium* signifies a Taking or Distress, and *Vetium*, forbidden; as when the Bailiff of a Lord Distrains Beasts or Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown; or when, without any words, they are so elojned, as they cannot be replevied. Divers Lords of Hundreds, and Court Barons, have Power to hold Plea *De Vetito Namio*, in old Books called *De Vet.* 2 Inst. fol. 140. *Matilda de Mortuo mari clamat in manerio de Mawerden duas Law-days, & Infangentheft, & placita de Namio vetito sine brevi Domini Regis*. Int. Record. in *Thesaur. Rec. Scacc.* in quadam бага de Quo War. tit. *Glouc. Heref.* Sir Henry Spelman says, it is *Antiqua Juris nostri locutio, & brevis Regis nomen*. See *Naam*.

*Vicario deliberando occasione cujusdam Recognitionis, &c.* Is a Writ that lies for a Spiritual Person, imprisoned upon forfeiture of a Recognisance, without the Kings Writ. *Reg. of Writs*, fol. 147.

*Vicis & venellis Mundandis*, Is a Writ that lies against a Major or Bailiffs of a Town, &c. for the clean keeping their Streets. *Reg. of Writs*, fol. 267. b.

*Vicar* (*Vicarius*) The Priest of every Parish is called *Rector*, unless the Predial Tithes be impropriated, and then he is called *Vicar*, *Quasi vice fungens Rectoris*. *Sciatis—quod ego Johannes Webbe perpetuus Vicarius Ecclesie Parochialis de Bromyard Dedi—Domino David Hay perpetuo Vicario Ecclesie Parochialis de Anenebury duas acras terræ, &c.* Dat. 8. Hen. 5. They were styled *Perpetui Vicarii*, because they were not appointed by the Impropiator, and Licensed by the Bishop to read Service, but Presented by the Patron, and received Canonical Institution at the hands of the Ordinary; and so had constant Successions, as Corporations, and never dyed. The Canonists mention four species of *Vicars*: *Quidam sunt perpetui, ad Parochiales Ecclesias constituti; quidam non perpetui, sed ad aliquos actus constituti, ut temporales; & isti dicuntur, mercenarii: Quidam sunt speciales, non ad curam, sed ad certum locum, articulum vel actum constituti: Quidam nec perpetui, nec ad curam, nec ad certum actum, sed generaliter dantur ad omnia*. See *vocab. utriusque Juris, verbo Vicarius*. a Pat. 31. Ed. 3. Pars 1. m. 14. intus.

*Vice-Chamberlain*, called *Under-Chamberlain* (Anno 13. Rich. 2. Stat. 2. cap. 1.) Is a great Officer in Court, next under the Lord-Chamberlain, and in his absence hath the command

mand and controulment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the Chamber, or above Stairs.

**Vice-Constable of England, and Vice-Marshal.** See their Office in *Pat. 22. Ed. 4. Pars 1. m. 2.* Printed in *Pryns Animad. on 4th. Inst. fol. 71.*

**Viceregent** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Vicinage** (*Fr. Voisinage*) Neighborhood, nearness. *Mag. Car. cap. 14.* See *Venue.*

**Vicinum.** See *Visne.*

**Vicount alias Viscount** (*Viccomes*) Signifies as much as *Sheriff*: Between which Two words, I find no other difference, but that the one comes from our Conquerors the Normans, the other from our Ancestors the Saxons, of which, see more in *Shirriff.*

**Vicount** also signifies a degree of Nobility next to an Earl, which *Camden* (*Britan. pag. 170.*) says, Is an old name of Office, but a new one of Dignity never heard of among us till *Henry the Sixth's* days, who, in his Eighteenth year, in Parliament, created *John Lord Beaumont, Viscount Beaumont*, but far more ancient in other Countries. *Cassan. de Gloria mundi, par. 5. consider. 55.* See *Shirriff.* And *Seldens Titles of Honor, fol. 761.*

**Vicountiells, (Vicomitilia)** Things belonging to the *Shirriff*; as particularly certain Firms, for which the Sheriff pays a Rent to the King, and makes what profit he can of them. *v. Stat. 33. & 34 Hen. 8. cap. 16.—2 & 3 Ed. 6. cap. 4. & 4 Hen. 5. cap. 2.* *Writs Vicountiel* are such Writs as are triable in the County, or Sheriffs Court. *Old Nat. Br. fo. 109.* of which kind you may see divers Writs of Nufance set down by *Fitzh.* in his *Nat. Br. fo. 184.b.* See *Anno 6. Rich. 2. ca. 3.*

**Vicountiel Rents,** Mentioned *22 Car. 2. ca. 6.* see *Vicoun iels.*

**Vicountiels Jurisdiction,** is that Jurisdiction which belongs to the Officers of a County, as Sheriffs, Coroner, Escheator, &c.

**Vidimus, (Anno 15. Hen. 6. ca. 3.)** See *Innotescimus.*

**View, (Fr. Veue, i. Visus, conspectus)** Signifies the Act of Viewers: For, when any Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks; then he may pray the *view*, which is, that he may see the Land which is claimed, See *Britton, ca. 45.* which course of proceeding we receiv'd from the Normans, as appears by the *grand Customary, ca. 66. and 80.* This *view* is used, as in other cases, so in an Assise of Rent-service, Rent-charge, or Rent-seck. *Fitz. Nat. Brev. fo. 178.* and in a Writ de Curia claudenda. *Idem, fo. 128.* In a Writ of Nufance, *Idem, fo. 183.* In a Writ Quo jure. *Idem, fo. 128.* In the Writ de rationalibus divisis. *Idem, fo. 129.* And, in the Writ de setta ad molendinum. *Idem, fo. 123.* See the *New Book of Entries, verbo, view,* and how this *view* is made, in *Fleta lib. 4. ca. 6.* See *Veijours, and Westm. 2. ca. 48.*

**View of Frankpledge, (Visus Franci ple-gii)** Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred, performs, in looking to the Kings Peace, and seeing that every Man be in some pledge. This is called by *Bracton, Res quasi sacra, quia solam personam Regis respicit, & introducta pro pace & communi utilitate, lib. 2. cap. 16. num. 8.* See *Frankpledge, Lee & Detennier.* See *New Book of Entries* on this word.

**Vi laica removendo,** Is a Writ that lies for the removing a forcible possession of a Benefice, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocess; sometimes only upon a surmise thereof made by the Incumbent himself, and has a several form for either case. *Fitz. Nat. Brev. fo. 54. Reg. of Writs, fo. 59 & 60.*

**Vigil, (Vigilia)** *Anno 2 & 3 Ed. 6. ca. 19.* is used for the Eve, or next Day before any solemn Feast; because then Christians of old were wont to watch, Fast and Pray in their Churches.

**Vill, (Villa)** Is sometimes taken for a Mannor, and sometimes for a Parish, or part of it. *Villa est ex pluribus mansionibus vicinata, & collata ex pluribus vicinis. 1 Inst. fo. 115. b.*

*Villa, apud Saxones nostros antiquos Romano sensu accipi videtur, pro predio unius alicujus in rure; cum idoneis adibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexionem, quod in oppidis potius expectandum esset, & successivis temporibus villis postea introductum est.* *Spelman. Vill and Parish* shall be intended all one, *2 Part. Crokes Rep. Wreys Case, fo. 263.* yet there may be Two Villis in one Parish, *idem, fo. 120. Storks Case.*

**Villain, (Villanus)** *Fr. Vilain, i. Illiberallus, vilis, impurus*) Signifies a Bondman; in *Domesday*, called *Servus*; of which, there were two sorts in England, one termed a *Villain in gross*, who was immediately bound to the Person of his Lord and his Heirs; the other a *Villain regardant to a Mannor*, whom the Civilians term *Glabæ adscriptitium*, being bound to their Lord, as Members belonging, and annexed to a Mannor, whereof the Lord was Owner. *Sir Thomas Smith Repub. Angl. lib. 3. ca. 8. Old Nat. Br. fo. 8. & Bracton, lib. 1. ca. 6. numb. 4.* He was properly a pure Villain, of whom the Lord took Redemption to Marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his Will, and beat and chastise, but not maim. There are not properly any Villains now, though the Law concerning them stands unrepealed; We have rarely heard of any Case of Villenage, since *Crouches Case* in *Dyer*: See Preface to *Rolls Abridgment, Servorum enim & Nativorum apud nos sublata est conditio; & quas ideo possidebant terras vel prædia, hodie libere tenent sub antiquæ servitutis consuetudinibus.* *Spelm.*

**Omnibus—Frater Mathew Abbas de Halef-soweign & Conventus ejusdem loci salutem. No-**

D d d d

veritis



venitis nos unanimi voluntate & consensu fecisse Johannem del Grene de Rugenur liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis. Ita vero quod prefatus Johannes, cum tota sequela sua procreata & procreanda & cum omnibus catallis suis habitis & habendis, ab omni iugo servitutis liberi maneant imperpetuum. In cuius rei testimonium huic littere libertatis sigillum nostrum apposuimus. Dat. 31 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.

**Writ of Right.** *Writ of Right* reducendis, Was a Writ that lay for the bringing back of the Kings Bondmen, that had been carried away by others out of his Mannors, whereto they belonged. *Reg. of Writs*, fo. 87. b.

**Villanous Judgment.** (*Villanum Iudicium*) Is that which casts the reproach of villany and shame upon him against whom it is given, as a Conspirator, &c. *Stamf. Pl. Cor. lib. 3. ca. 12. fo. 157.* which *Lam.* in his *Biren.* (*lib. 8. ca. 13. pa. 63.*) calls *villanous punishment*, and says, it may well be called *villanous*, because the Judgment, in such a Case, shall be like the ancient Judgment in *Attainr* (as it is said *Anno 4 Hen. 5. Fitz. Judgment, 220.*) and (in *27 lib. Affis. pl. 59.*) is set down to be, that they shall not be of any credit afterward, nor lawful for them in person to approach the Kings Court, and that their Lands and Goods be seized into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it than corporal, or pecuniary pain, stretching to the discrediting the testimony of the Offender for ever) may be partaker of this name. This, and such like, is elsewhere termed *vile* & *odibile Iudicium*. See *Pillory*.

**Villain estate or condition.** contradistinguished to free Estate. *St. 8. H. 6. 11.*

**Villain fleece.** (*Anno 31. Edw. 3. ca. 8.*) Are bad fleeces of Wooll, shorn from scabb'd Sheep.

**Villanage.** (*Villanagium*) Signifies a Servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a villain to perform; *ubi seira non poterit vespere, quale servitium fieri debet manere.* *Bracton, lib. 2. ca. 8. num. 3.* The division of Villanage, was villain of Blood, and of Tenure. Tenure in Villanage could make no Freeman villain, if it were not continued time out of mind; nor free Land make villain free. Villanage is also divided by *Bracton* (*ubi supra*) into *Purum villanagium* a quo praestatur servitium incertum & indeterminatum, as above is said; and *Villanagium Saccagium*, which was to carry the Lords Dung into his Fields, to plow his Ground at certain days, Sow and Reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of *Bickton* were bound to do those of *Clun Castle* in *Shropshire*, which was afterwards turned into a Rent, now called *Bickton Silver*, and the villainous Service excused.

**Vill.** *Maynard*, qui tenuit terras in Fleurs, cognoscit se esse Villanum Abbatem de Abbenon. & tenet de eo in Villanagio & per villanas consuetudines, viz. per servitium 18 d. per annum & dandi Maritimum & Marchetum pro filia & sorore sua, ad voluntatem ipsius Abbatis, & faciendo omnes villanas consuetudines. *Pla. 34. Hen. 3. rot. 20. Berks. Copyholders, or Tenants by Copy* is but a new name; for anciently they were called Tenants in Villanage, or of bote Tenure. *Fitz. Nat. B. fo. 28 C.*

**Winnet.** (*Anno 14 Car. 2. ca. 33.*) A kind of Flower or Border, with which Printers use to garnish printed Leaves.

**Virga.** (*lat.*) a Rod, such as Sheriffs and Bailiffs carry, as a Badge of their Office; *Rauf op Howel op Philip Praepositus de Llanfisin* amerciatu pro eo quod habuit in manu sua coram Iurificari hic virgam nigram & inhonestam, ubi habere debuisset virgam albam & honestam, de certa longitudine prout deest. In Sessione Itin. de Cardiff. 7 Martii, 7 Hen. 6.

**Virga ferrea ductilia.**—*Civitas Glouc. reddebat C. virgas ferreas ductiles ad clavos navium Regi.* *Domesday. i.* Iron drawn out into small Rods for making Nails.

**Virga ferrea.**—*Sciatis—quod ego Hamundus Urri dedi—Nich. filio Edda pro 8 s. sterlingis quos mihi dedi pra manibus, unam placetam terra mea in vico versus Duffele, que jacet inter terram meam & terram Philippi filii Heylan, cuius latitudo in fronte continet in se xvi virgas ferreas praeter unum quarterium, & totidem aretro, &c.* *Ex libro Cart. Prior. Leominstr.* This was so many yards, according to the Kings Standard in the Exchequer, which anciently was of Iron, now Brass.

**Virgatores servientes.** so *Flora* calls Vergers or Tipstaves that attend the Judges. See *Vergers*.

**Virgata terra.** *Al. Virga terra.* A Yardland. *MS. Codex.*—*Decem aera terra faciens secundum antiquam consuetudinem, unam ferdellam, & duarum ferdella faciunt virgatam.*

**Virgata terra.** *ex 24 constat acris, quatuor Virgatae Hidas faciunt, quingue hida feodum militis.* *Chron. Tho. Redburn.* See *Yardland*.

**Virgultum.** (*lat.*) is used for an Holt, or Plantation of Twigs, or Oziers, and sometimes for a Coppice of young Wood.—*Et praeterea concedo Virgultum meum & totam Communiam Domini mei.* *Mon. Angl. 3. Par. fo. 12. a.*

**Viridario eligendo.** Is a Writ that lies for the choice of a *Verdener* in the Forest. *Reg. of Writs* fo. 177.

**Virilia.** A Mans Privy-members; the cutting off of which was Felony by the Common-Law, (according to *Bracton, lib. 3. fo. 144.*) whether the party consented or not. *Henricus Hall & A. uxor ejus capti & detenti in prisona de Eulcheffer, eo quod reclusi fuerint quod ipsi absciderunt virilia Johannis Monachi, quem idem Henricus apprehendit cum praedicta A. uxore ejus.* *Rot. Claus. 13. Hen. 3. m. 9.*

**Wistation**

**Visitation.** (*Visitatio*.) Is that Office or Action which is perform'd by the Bishop in every Diocels once in every three years, or by the Arch-deacon once a year, by visiting the several Churches, and their Rectors, &c.—*Ut populus illorum cura commissus salubriter a pastoribus ordine gubernetur.* Reform. Leg. Eccles. fo. 124. *Ne quid detrimenti capiat Ecclesia,* says another Author.

**Visitation of manners.** (*Visitatio morum*.) was wont to be the name of the Regarders Office in ancient time. *Manwood, Par. 1. p. 195.* See *Regarder*.

**Vicue.** (*Vicinetum*.) Signifies a Neighbor-place, or a place near at hand. *Anna 16 Rich. 2. ca. 6. dicitur vicinetum in fine vestro locus quem vicini habitant, qui olim intelligebantur de eadem villa sive adiacentibus, atque alias de eodem Hundredo vel proximo; modo vero de eodem pago, sive Comitatu, hoc est, Compagenses.* Spelm. See *Vicem*.

**Writu Franciplegii.** Is a Writ, to exempt him from coming to the View of Frankpledge, who is not resident within the Hundred; For Men are bound to this View, by reason of their habitation, and not of Lands held where they dwell not. *Reg. of Writs, fo. 175.*

**Vinagium.** i. *Tributum a vino.* v. Citation.

**Viteller** alias **Viualter** (*Vitularius* al. *Viellarius*.) Is he that sells *Viuals*; for whom there is a Writ in *Fitz. Nat. Br. fol. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate,

**Viva pecunia.** Anciently used for live Cattle. See *Pecunia*.

**Viva voce.** See *Deposition*.

**Vivary** (*Vivarium*.) Signifies a place on Land, or Water, where living things are kept. In Law, it most commonly signifies a Park, Warren, Fish-pond, or Pishol. *Cokes 2d. Inst. fol. 100. Hec est conventio inter Priorem & Conventum Canoniorum de Rudham & Rogerum de Glanvilla, de Molendino & stagno de Thorp, sc. quod Canonici reddent annuatim prefato Rogero 7 Sol. quemadmodum poter ejus Robertus de Glanvilla solebat habere tempore Michaelis Prioris; & si Rogerus de Glanvilla fuerit in Ructon vel uxar ejus, ipse poterit piscari in Vivario absque Wasto cum Batello Canoniorum, &c. Anno 1171. 8 Maii. MS. Penes Gul. Dugdale mil.*

**Vilarentes leges.** The Laws of Oleron. *Marre clausum. fol. 222.* See *Oleron Laws*.

**Vilage.** See *Alnage*.

**Vincia terræ vel agri.** *Sciendum est quod Gwercant Rex (Wallie) dedit Junapeio Episcopo & Ecclesie Landavia—pedum Louden cum tribus Unciis agri &c. 3 Mon. fo. 198.* The Word often occurs in the ancient Charters of the British Kings, but what quantity it was, quere: Only we may gather by this other Deed, that it signified a large quantity, as much as 12 Modii. *Invenidum est nobis, quod Catunth filius Ceffro, agrum trium modiorum i. quartam partem Uncie agri, immolavit Deo, &c. ibid. fol. 205.* See *Modius terre*.

**Writ of writ.** Is a Plea for the Defendant, being used for a Debt due at a day past, to save the forfeiture of his Bond; saying, he tendred the Debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same, 7 *Edw. 6. 83 Dy. r.* See *Unques prift*.

**Uncuth** (*Sax.*) Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn, Guest-wife, and lies there but one Night; in which case his Host was not bound to answer for any offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol. 133. num. 7.* — *Item secundum antiquam consuetudinem dici poterit de familia alicujus, qui hospes fuerit cum alio per tres noctes; quia prima nocte poterit dici Uncuth, Secunda vero Galt, tertia nocte hoghenchur.* *Bracton, lib. 3. cap. 10. num. 2.* See *Thirdaynightwinnine*.

**Unde nihil habet.** Is a Writ. See *Dote unde nihil habet*.

**Under-chamberlain of the Exchequer.** Is an Officer there that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell* and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are Two Officers there of this name.

**Under-sheriff.** (*Subviccomes.*) See *Sheriff*.

**Under-titter.** Is an Inmate. See *Inmate*.

**Undertakers.** were such as were employed by the Kings Purveyors, as their Deputies. *Anno 2. & 3 Phil. & Ma. cap. 6.* And such as undertake any great Work, as draining of Fens, &c. *Anno 43 Eliz. cap. 11.*

**Under-treasurer of England.** (*Vicesaurarius Anglie.*) *Anno 39 Eliz. ca. 7.* This Officer is confounded in other Statutes with *Treasurer of the Exchequer*, as in 35 *Eliz.* In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the Lord Treasurer doth. Anciently he did Chest up the Kings Treasure at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the Lord Treasurer, &c.

**Uniformity.** (*Uniformitas*.) One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 *Eliz. cap. 2.* And 14 *Car. 2. cap. 4.*

**Union** (*Unio*.) Is a combining or consolidating Two Churches in One, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as, when one Church is made subject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the *Gloss. of Lynwoods Provincials, Sect. Et quia*—In the first signification, by the Statute 37 *Hen. 8. cap. 21.* It was



was made lawful to make an *Union* or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books for First Fruits, and not above one Mile distant from the other. And by another Statute 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocels, Mayor, Bayliff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite Two Churches or Chapels in any such City, Town, or the Liberties thereof; provided, such *Union* shall not be good, if the Churches so united exceed the sum of One hundred pound *per Annum*, unless the Parishioners desire otherwise, &c.

**Unity of Possession**, Signifies a Joynt-possession of Two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Lease is extinguished, by reason that I, who had before the occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**University** (*Universitas*) Is most usually taken for those Two Bodies, which are the Nurseries of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great Favours and Priviledges, as appears not onely by Anno 2 & 3 Ph. & Mar. cap. 15. — 13 Eliz. cap. 21. & 18 Ejsdem, cap. 6. But much more by their several Charters, granted by divers Pious and Munificent Kings of this Land. Anno 14. Car. 2. cap. 4.

**Unlawful Assembly** (*Illicita Congregatio*) Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavouring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. *West, par. 2. Symbol. tit. Indictments, sect. 65. Lambert in his Eiren. cap. 19.* By the Statute of 16 Car. 2. cap. 4. And 22 Ejsdem, cap. 1. If five persons or more shall be Assembled together above those of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is *unlawful* and punishable by Fines, and otherwise, as in the said Statutes is expressed.

**Unques priſt** (i. Always ready) Is a Plea whereby a Man professeth himself *always ready* to do, or perform that, which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was *always ready*, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall recover no damages. See *Kitchin, fol. 243.* See *Uncores priſt*.

**Vacance** (*Vacatio*) Is a want of an Incumbent upon a Benefice, which is twofold; either in *Law*, as when a Man hath more Benefices incompatible; or in *Deed*, as when the Incumbent is dead, or actually deprived. *Brook, tit. Quare impedit. numb. 51.*

**Voir dire** (Fr. *Voir*, i. truth, and *dire* to

speak) when it is pray'd upon a Tryal at Law, that a witness may be sworn upon a *voir dire*; the meaning is, he shall, upon his Oath, speak or declare the Truth, whether he shall get, or lose by the matter in controverſie; and if he be unconcern'd, his testimony is allowed, otherwise not.

**Volumus**, Is the first word of a Clause in the Kings Writs of Protection and Letters Patent. Anno 1. Rich. 2. cap. 8. And 13 Ejsdem, cap. 16. Of Protections, some are *Cum clausula Volumus*; And of these there are four kinds, viz. 1. *Quia profecturus*. 2. *Quia motaturus*. 3. *Quia indebitatus nobis existit*. 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. *Coke on Little. sect. 199.*

**Voucher** (*Vocans*) Is a word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to Warranty, and is either to defend the Right against the Defendant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattel Real, Personal or mixt, &c. He that *Voucheth*, is called the *Voucher* (*Vocans*) and he that is vouched, is called *Vouchee*, (*Warrantus*.) The Process whereby the *Vouchee* is called, is a *Summons ad Warrantizandum*, &c. A Recovery with a single *Voucher* is, when there is but one *Voucher*; and with a double *Voucher*, is when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a *Foreign Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in *London*, or the like) voucheth one to Warranty, and prays, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher of a Foreigner*, *De forinſecis vocatis ad Warrantizandum*. *Coke on Little. fol. 101. b.* See *Recovery*.

**Voucher**, Is also used in the Statute (19 Car. 2. cap. 1.) for a Lieger Book or Book or Account, wherein are entred the Acquittances or Warrants for the Accomptants discharge.

**Upland** (*Uplanda*) High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. — *Duramque terram novem Miliaris per aquam, de Uplanda, id est de superiori terra, schaphis deferri, & paludibus commisceri jussit.* *Ingulph. Hist. Croyland.*

**Usage**. See *Prescription*.

**Use**, (*Uſus*.) A Deed consists of two principal Parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the Estate, which are the Persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party Passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum*, to, or for what *use* and Benefit he shall have the same Estate. And of the Limitation of such *Uses*, you may read many

many Presidents in *West*, lib. 2. par. 1. sect. 308. These *Uses* were invented upon the Statute of *Westm.* 3. *Quia emptores terrarum*, before which Statute, no such *Uses* were known. And because in time many deceits were invented, by settling the Possession in one Man, and the *Use* in another, Anno 27 Hen. 8. cap. 21. it was Enacted, That the *Use* and Possession of Lands should always stand united. See *Coke*, lib. 3. *Chudley's Case*.

**Uter de Action**, Is the pursuing or bringing an Action, in what place and County it ought to be. See *Brook*, tit. *Lieu and County*, fol. 64.

**Uxer**, (Fr. *Huiffier*, i. A Door-keeper of a Court,) Is an Officer in the *Exchequer*, of which there are four that attend the Chief Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accomptants at the pleasure of the Court. There are also *Uxers* in the Kings Court, as of the Privy Chamber, &c. See *Blackrod*.

**Ullat**. In *Privilegio de Semplingham*. — *Sint quieti tam ipsi quam homines eorum*, &c. de omnibus misericordiis & amerciamenis & forisfacturis, &c. Et de murther & latrocinio & conceyles & Ullat, & Hamsoka, Gritbbrich, Blotwit, &c. Perhaps miswritten for *Utlage* or *Utlagar*.

**Uluaption**, (*Ufucaprio*.) The enjoying a thing by continuance of time, or receiving the Profits; long possession or prescription.

**Ultrucuary** (*Ufufuctuarius*) One that hath the use, and reaps the profit of any thing.

**Ufury** (*Ufura*) Is Money or Moneys worth, given above the principal sum for the Loan of it; otherwise called *Interest* or *Use*. *Ufura est commodum certum quod propter usum rei mutuate accipitur*. *Cokes* 5 Rep. *Payrons Case*. By the Stat. 12 Car. 2. cap. 13. No Man must take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes* 3 Instit. fol. 151. By the Stat. 3 & 11 Hen. 7. it is called *Dry Exchange*.

**Uurious contract**, Comprehends any Bargain or Contract, whereby any Man is obliged to pay more Interest for Money than the Stat. 12. Car. 2. cap. 13. allows.

**Utas** (*Ostava*) Is the eighth day following any Term or Feast, as the *Utas* of *St. Michael*, the *Utas* of *St. Hilary*, &c. whereof you may read Anno 51. Hen. 3. Statute concerning General days in the Bench. And any day within the Feast, and the eighth day is said to be within the *Utas*. The use of it is in the return of Writs, as appears by the Statute. At the *Utas* of the Holy Trinity. Preamble to the Stat. 43 Edw. 3.

**Utenfil** (Fr. *Utenfile*) Any thing necessary for our use and occupation: Householdstuff. I find in an ancient Record, *Ustilmentum*, for *Utenfil*; and in another *Utenalia*, for *Utenfils*. Item *lego Agneti uxori mea omnia utenalia domus mea, lignea & anea*. Testam. Johan. Hereford, Anno 1439.

**Uctangihet** (Sax. *Uc-fang-þeof*, i. *Fur extra captus*; scil. *Extra dominium vel jurisdictionem*) Is an Ancient Royalty or Privilege granted to the Lord of a Mannor by the King, which gives him power to punish a Thief, dwelling, and committing Theft out of his Liberty, if he be taken within his Feo. *Uctangihet dicitur extraneus latro, veniens aliunde de terra aliena, & qui captus fuit in terra ipsius, qui tales habet libertates*. *Bracton*, lib. 2. tract. 2. cap. 35. Anno 27. Hen. 8. cap. 26.

**Utlagh** (*Uthlagus*) An Outlaw. — *Fuit quidam Uthlagus famosissimus, partes istas frequentans propter iter commearum inter Nottingham & Derby per Forestam*. Mon. Angl. 2 par. fol. 6. 18. a. See *Outlaw*.

**Utlagato capiendo quando utlagatur in uno Comitatu & postea fugit in alium**, Is a Writ, the nature whereof appears in the words of its name. See *Reg. of Writs*, fol. 133.

**Utlard** (Sax. i. *terra externa*) Dicebatur terra servilis seu tenementalis, quod de procinctu terrarum Dominicalium, quae *Utlard* nuncupate sunt, in exteriorem agrum rejiciebantur. Vide *Inland*.

**Utlary** or **Utlawry** (*Utlagaria* vel *Utlagatio*) Is a punishment for him, who, being called into *Law*, and lawfully sought, does (after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alias*, and *Pluries*, Returned by the Sheriff, with a *Non est inventus*, and an *Exigent*, with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Moneth between each one; and if he appear not within that time, *Pro exlege tenebitur, cum principi non obediat nec legi*, & ex tunc *Utlagabitur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law: The effect of which is divers, For if he be *Outlawed* at the Sure of another in a Civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then all his Lands and Tenements which he hath in Feo, or for Life, and his Goods and Chattels. *Et tunc gerit caput Lupinum, ita quod sine judiciali inquisitione rite pereat, & secum suum judicium portet, & merito sine lege pereat, qui secundum legem vivere recusavit*, &c. Says *Bracton*, lib. 3. tract. 2. cap. 11. A Minor or Woman cannot be outlawed; but where a Man is termed outlawed, a Woman is said to be *Waived*. How an Outlaw is inlawed again, and restored to the Kings Peace and Protection, See *Bracton*, lib. 3. tract. 2. cap. 14. And *Fleta*, lib. 1. cap. 27. & 28. See *Outlaw*.

**Utlepe**. Significat *escapium*, hoc est, *Evasionem latronum de prisona*. *Fleta* lib. 1. cap. 47. And 18 Hen. 6. Pat. 2. m. 22.

**Utrum**. See *Affise*.

**Uttter Barristers** (*Juriconsulti*) Are such, who for their long study, and great industry, bestowed upon the knowledge of the Common-Law, are called out of their contemplation to practice, and in the view of the



World, to take upon them the Protection and Defence of *Clients*. In other Countries they are called *Licenciati in Jure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve *Grand Moorts*, performed in the Inns of Chancery, in the time of the *Grand Readings*, and Twenty four *Petty Moorts* at the Inns of Chancery in the Term times, before the *Readers* of the respective Inns of Chancery. A *Barraster*, newly called, is to attend, the six next long Vacations, the Exercise of the House, viz. In *Lent* and Summer, and is thereupon for those three years called a *Vacation Barraster*. And they are called *Utter Barrasters*, i. *Pleasers* *ouster* the Bar, to distinguish them from *Benchers*, or those who have been *Readers*, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

## W.

**W**arriors (*Wafiores*) Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 Edw. 4. Membr. 2.) styles *Custodes*, *Conductores*, and *Wafiores*; and these were chiefly to guard our Fishermen on the Coast of Norfolk and Suffolk. We still retain the word to *Waft* over, i. To Convey or Conduct over Sea.

**Waga** alias **Waga**, A *Weigh*, which is a Measure of Cheese, Wool, &c. containing Two hundred fifty six pound of *Averdupois*, for by the Statute 9 Hen. 6. cap. 8. a *Weigh*, or *Wey* of Cheese ought to contain Thirty two Cloves, and the Clove Seven pound.—*Unam Wagam salis de salinis suis de Terinton*. Mon. Angl. 1 par. fol. 515. See *Weigh*.

**Wage** (*Vadiare*, Fr. *Gager*) Signifies the giving security for the performance of any thing; as to *Wage Deliverance*, which see in *Gage*; to *Wage Law*, see in *Law*. None *wageth* *Law* against the King. *Brook*, tit. *Chafe in Action*, num. 9. See *Coke* in *Littl.* fol. 294. b. Tit. *Leygager*.

**Wager of Law**. See *Law*.

**Waif** or **Wate** Fr. *chose guative*, or from the Sax. *Wafian*, *Fluctuare*, *wacillare*) is that, or those Goods which a Thief having stoln, and, being pursued, or overcharged with the burden, flies and leaves behind him: Then the Kings Officer, or the Bailiff of that Lord, (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waif*) may seize the Goods to his Lords use, except the Owner come with fresh Sute after the Felon, and sue an Appeal within a year and a day, or give in Evidence against him at his Arraignment, and

he be attainted. In which Cases, the Owner shall have restitution of his Goods; Though *Waif* is properly spoken of Goods stoln, yet it may be also of Goods not stoln; as if a Man be pursued with *Hue and Cry*, as a Felon, and he flies and leaves his own Goods, these shall be forfeit, as Goods stoln; and are properly called *Fugitives Goods*. See *Coke*, lib. 5. *Foxley's Case*.

**Waifs**, *Things lost* and *Estrays* must, by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that loit them. *Briton*, cap. 17. — *Plac. coram Joh. de Berewel & Sociis suis Justic. Itin. apud Salop. in Octab. Sancti Michaelis* 20 Ed. 1. Rot. 29. in Dorlo. *Richardus fil. Alani Comes Arundel summomitus fuit ad respondend. Domino Regi de placito quo Warranto clamat habere placita Corone & habere Wapf in Manerio suo de Upton subitus Haweman, &c. in Com. Salop. Et Comes dicit quod ipse clamat habere Intangenethes & Wapf, & eadem placita & libertates habuerunt ipse & omnes antecessores sui, & eisdem usi sunt a tempore quo non extat memoria & eo Warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod Wapf est quoddam grossum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale Warrantum a Domino Rege vel antecessoribus suis concessum. Wapf, i. Si aliquis adduxerit aliqua animalia, ut oves, boves, equos & hujusmodi, vel aliquas alias res, & inde suspectus & arrestatus fuerit a Balivis Prioris donec probaverit per fideles homines, quod ille res furate non fuerant, & ille dimissus non redierit: Dicit res seu animalia servatumur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alias venerit, & res suas legitime esse probaverit, datis expensis, illas habebit. Ex Registro Prior. de Cokesford.*

**Wainnable**, That may be Ploughed or Manured, Tillable. — *Dedimus* — in loco qui vocatur Shipplade la Moren, & la terre Wainnable, & la Bruere, &c. Carta Rogeri de Scales. Sine dat.

**Wainage** (*Wainagium*) From the Sax. *Wæn*, *Planstrum*, *Vehiculum*.) *Mag. Char. cap. 14.* — And any others *Villain*, then ours shall be likewise amerced, saving his Wainage, if he fall into our mercy. Sir Edward Coke (2 Part Instit. fol. 28.) says, it signifies the Contentment or Countenance of the Villain. But *quare*, whether it may not rather signify, the furniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villain-service. See *Gainage* and *Wainage*.

**Waitefee**. Tho. Spelman, *Filius Johannis*, obiit 12 Marcii, 1 Eliz. & dicitur in Inquisitione tenuisse Manerium de Narborough cum tertia parte Advocacionis Ecclesie, &c. De Domina Regina, ut de Manerio suo de Wingrave per servitium Militare, & per redditum 14 s. pro Waprefee

Castlegarde, & valet clave per annum 34 l. 17 s. 10 d. quadrante. Pater in Schedula liberationis Joh. Spelman fratris sui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his *Waiting* or giving Attendance at the Castle.

*Waiwaria* *Wulicris*, Is as much as *Utlagatio viri*. Reg. of Writs, fol. 131. Many of the *Wings* *Liege People Outlawed*, and many waived by erroneous *Jocels*. Anno 7 Hen. 4 cap. 13. See *Utlary*.

*Wlakeman* (Sax.) The Chief Magistrate of the Town of *Rippon* in *Yorkshire*, is so called; quasi, *Watchman*. Cam. Britan.

*Wald* (*Walda*) See *Weald*.

*Walefcus* --- Ipse Episcopus *Walterus* (scil. Heref.) habuit unam *Hidam* *Walefcam*, T. R. E. *vastatam*. *Domesday*.

*Walkers*, Are those who are otherwise called *Foresters*. *Crompt. Jurisd.* fol. 145. There are *Foresters* assigned by the King, who are *Walkers* within a certain space of Ground assigned to their care.

*Wall*, or *Deaswall* (*Walla* vel *Wallia*.) See *Watergag*.

*Waletheria* or *Walecheria*. Extenta terrarum *Johannis filii Alani*—52 Hen. 3. viz. de *Albo monasterio*. — dicunt quod est ibi *Walecheria*, que reddit de annuo redditu 3 l. 1 s. ad Festum *Sancti Mich.* Item in tota *Walecheria* sunt tres homines, & quilibet eorum debet invenire unum hominem per tres dies in qualibet *Septimana* a Festum *S. Mich.* usque ad Festum *beati Petri* ad vincula. Esc. 52. H. 3. n. 37. It seems here to signify *Wallica pars*, a part of *Wales*. In *Statuta Wallie*, *Waletheria* is interpreted *Parentela hominis interfecti*.

*Wang* (Sax.) A Field; also the Cheek or Jaw, wherein the Teeth are set. Hence with *Chaucer* we call the Cheek-teeth or Grinders *Wangs* and *Wang-teeth*, which is also notified in that old way of sealing Writings.

And in witness that this is sooth,  
I bite the Wax with my Wang tooth.

See *Wong*.

*Wangenetheof* --- *Maneriolum* de A. sit quietum de *Gelth* & *Scroth*, de *Wreccho* & de *Wangenetheof* & *Danegeld*, Ec. Pat. 22 H. 4. par. 1. m. 33. *Quare*.

*Wannage* (*Wannagium*) --- Eodem anno (scil. 1198. Rex Angl. accepit de unaquaque carucata terre sive *Hyda* totius Anglie 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Anglie unum Clericum & etiam unum militem --- Qui fecerunt venire coram se *Senescallos* *Baronum* illius Comitatus, qui juraverunt quot *Carucarum* *Wannagia* fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotium Regis faciendum, statuerunt per estimationem legalium hominum, in uniuscujusque caruce *Wannagium*, centum acras terre. *Hoveden. Annal.* par. post. fol. 443. num. 30. See *Wainage*. — Quod ego H. & heredes mei villas & edificia & *Wannagia*

ad libitum nostrum in terris prenominationis faciemus & claudemus xl. acras terre ad excolendum vel ad tensandum, ad libitum nostrum. Mon. Angl. 2 par. fol. 612. a. In this last Citation *Wannagia* seems to signify *Wainhouses*, or necessary Out-houses for Husbandry. I have also seen *Wannage* used for Tillage. Reg. de *Wobec.* fo. 91. and *Guannagium* in the same sense. 3 Mon. fo. 78. b.

*Wapentake* or *Uleapentake* (Sax. *Wapen-Setace*, i. *Arma tradere*) Is all one with that we call a Hundred, or *Centred*, as appears by *Bracton*. (lib. 3. tract. 2. cap. 11. num. 1.) Convocantur postmodum *servientes* & *Balivi* *Hundredorum* & per ordinem irrotulentur *Hundredarii* sive *Wapentachia*, & nomina *servientium*, &c. *Nominis autem origo*, non ab armorum tactu, ut *Hovedeno* traditum; sed hinc, quod quoties novus esset *Hundredi* Dominus, ei in subjectionis signum arma redderent *vassalli*, ut *Ranulfo Cestricensi* observatum. Lib. 1 cap. 5. *Conflata* voce a *Wapen*, arma, Weapons; Et *Sætec*an *Tradere*; reddere, to betake. — Quod Angli vocant *Hundredum* supradicti Comitatus vocant *Wapentachium*. LL. Edw. Conf. cap. 33. Sir *Tho. Smith* de *Repub.* Angl. cap. 16. says to this effect, That anciently *Mutters* were taken of the *Armor* and *Weapons* of the several Inhabitants of every *Wapentake*, and from those that could not find sufficient Pledges for their good abearing, their *Weapons* were taken away, and delivered to others. *Lambert* (in his explication of Saxon words, verbo, *Centuria*) says, This word is especially used in the Counties beyond *Trent*: The Statutes Anno 3. Hen. 5. cap. 2. — 9 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of *Staintif Wapentake*, and *Frendles Wapentake* in *Craven* in the County of *York*. The County of *Nottingham* is also divided into *Wapentakes*. See *Cam. Britan.* fol. 159. And *Cokes 2 Part. Instit.* fol. 99. *Wapentak*, hoc est *quietancia de sectis* & *Hundredis* quod dicitur *Wapentak*. MS. in *Bibl. Cotton.* sub tit. *Vitellius*, c. 9.

*Wara*, *Libera Wara*, est *redditus*, & talis conditionis, quod si non solvatur suo tempore, duplicatur in crastino, & sic deinceps in dies. Reg. Abb. de *Burgo S. Petri*, in *Bibl. Cotton*.

*Warranty*, (*Warrantia*) Is a Promise or Covenant by Deed, made by the bargainer for himself and his Heirs, to warrant or secure the Bargainee and his Heirs against all Men, for the enjoying any thing agreed on between them. And he that makes this *Warranty* is called *Warrantus* by *Bracton*, lib. 2. ca. 19. & 37. It passeth from the Seller to the Buyer, from the Feoffee to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like, and the form of it is thus; Et ego vero prefatus A. & heredes mei predictas quinque acras terre cum pertinentiis suis prefato B. heredibus & assignatis suis contra omnes gentes warrantizabimus in perpetuum per presentes. See *Glanville*, lib. 3. per totum. *Bracton*, lib. 5. Tract. 4. *Briton*. ca. 105. & *Coke*, lib. 4. *Nokes Case*, fo. 81. a. In ancient Deeds we find *Warranties*

run



run thus — *contra omnes homines & feminas —*  
*& contra omnes homines & Iudeos warrantizabi-*  
*mus, &c.*

*Warranty*, Is either *Real* or *Personal*: *Real*, when it is annexed to Lands or Tenements granted for Life, &c. and, this is either in Deed, as by the word *Warrantizo* expressly; or in Law, as by the word *Dedi*, or some other amplification: *Personal*, which either respects the property of the thing Sold, or the quality of it. *Real Warranty*, in respect of the Estate, is either *Lincol*, *Collateral*, or *commencing by Disseisin*; for which, see *Littleton* in the last Chapter of his *Tenures*, and *Coke*, lib. 3. *Fermors Case*, fo. 78. a. Under this word *heredes* are comprised all such as the first *Warrantors* Lands afterwards come unto, either by descent, or otherwise, *ex causa lucrativa*. *Warrantizare* nihil aliud est quam possidentem defendere. *Fleta*, lib. 5. ca. 15. Sect. 1. *Bracton*, lib. 2. ca. 16. nu. 10. By what words in a Feoffment a Feoffer shall be bound to *Warranty*, see the Statute of *Bigamy*, Anno 4 Ed. 1. ca. 6. See *Coke on Litt.* fo. 365. a. & 383. b. Item *utimur*, quod si aliquis puerorum nostrorum in aliquo casu Tenementa nostra tangenti vocatur ad Warrantizandum, non tenetur Warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Burgi-villæ Mount-gomer. a temp. Hen. 2.

There is also a *Warrant* of *Attorney*, whereby a Man appoints another to do something in his Name, and *warranteth* his Action; which seems to differ from a *Letter of Attourney*, which passeth ordinarily under the hand and Seal of him that makes it, before any credible Witnesses; whereas a *Warrant of Attourney*, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Demandants, Tenants or Defendants; but, a *Warrant of Attourney*, to suffer a Common recovery by the Tenant or Vouchee, is acknowledged before such persons as a Commission for the doing thereof directeth. *Wilt. Par.* 2. *Symb. tit. Recoveries*, Sect. 1 F. See *Attorney*, and *Letter of Attourney*.

*Ward*, (*Sax.* *jeapd*, i. *Vigilia*, item *Custos*) Has divers applications, as a *Ward* in London, Latin'd *Warda*, which is a portion of the City committed to the special charge of one of the Twenty-four Aldermen, &c. See *Stow's Survey*. Secondly, A Forest is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A Prison is also called a *Ward*. Fourthly, The Four utmost Northern Counties are divided into *Wards*, as others into *Hundreds*. Lastly, The Heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common person by Knights-service, was called a *Ward* during his nonage, Anno 32. Hen. 8. ca. 46. But, this last, with the Court of *Wards*, and all *Wardships*, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

*Wards and Liveries*, (*Wardi & liberatura*) Was a Court first erected in King Henry the Eighth's time, and afterwards augmented by Him,

with the Office of *Liveries*, and therefore called by Him. The Court of *Wards and Liveries*, now taken away & discharged by Stat. 12. Car. 2. ca. 24.

*Warrantia Chartæ*, Is a Writ, that lies properly for him, who is enfeoffed in Lands or Tenements, with Clause of *Warranty*, and is impleaded in an *Affise*, or *Writ of Entry*, wherein he cannot vouch, or call to *Warranty*; In which case his remedy is, to take out this Writ against the Feoffor or his Heir. *Reg. of Writs*, fo. 157. *Fitz. Nat. Br.* fo. 134. & *Fleta*, lib. 6. ca. 35.

*Warrantia diet*, Is a Writ lying in case, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued, is, in the mean time, by Commandment, employ'd in the King's Service, so that he cannot come at the day assign'd, the Writ is directed to the Justices to this end, that they neither take nor record him in default for that day, *Reg. of Writs*, fo. 18. *Fitz. Nat. Br.* fo. 17. & *Glanville*, lib. 1. ca. 8.

*Warrantia Custodiæ*, Is a Writ judicial, that lay for him, who was challenged to be *Ward* to another, in respect of Land said to be holden in *Knights-service*, which, when it was bought by the *Wards* Ancestors, was *Warranted* to be free from such thralldom; and, it lay against the *Warrantor* and his Heirs. *Reg. jud.* fo. 36. But, by the Statute 12 Car. 2. ca. 24. it is now become useless.

*Wardage*, (*Wardagium*) — *Sed sunt quieti de quolibet Theolonia, Tallagio, Passagio, Pedagio, Lastagio, Hidagio, Wardagio, & omnibus Geldis, Fengeldis, Horngeldis, Fortgeldis, Penigeldis, Wendpenigs, Duwerpenigs; Wiskemelig, Wrenalpeninge, Githbpege, &c.* Carta Gilberti Tison summi Vexillatoris Angliæ. Sine dat. It seems to be the same with *Wardpeny*, which see, or to be free from *Wardship*.

*Wardstaff*. — *Lambourn Mannor* in *Essex* is held by Service of the *Wardstaff*, viz. to carry a Load of Straw in a Cart with Six Horses, Two Ropes, Two Men in Harnes, to watch the said *Wardstaff*, when it is brought to the Town of *Aibridge*, &c. *Cam. tit. Essex*.

*Wardseoh*, or *Wardsegh*. *Sciant presentes & futuri quod ego Henricus de la Morton dedi — Rogero de Foresta & Johanne uxori sue pro duodecim solidis & sex denariis, quæ mihi dederunt præ manibus, unam acram terre meæ de tribus felonibus, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mihi & heredibus meis unum denarium pro omni servitio, herietto, relevio, warda, regali servicio, Wardsegh & pro omnimoda secta Curie meæ & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c. Sine dat.* It signify'd the value of a *Ward*, or the Money paid to the Lord for his redemption from *Wardship*.

*Warden*, (*Gardianus*) Is all one with the *Fr. Gardein*, and signifies him that has the keeping, or charge of any person, or thing by Office; as *Wardens* of the Fellowships in London, Anno 14. Hen. 8. ca. 2. *Warden-Courts*, 31 Hen. 6. ca. 3. *Warden of the Marches*, 4 Hen.

7. ca. 8. *Wardens and Communalty of the lands contributory to Rochester-bridge*, 18 *Eliz. ca.*  
 7. *Wardens of Peace*, 2 *Ed. 3. ca. 3. Stat. North-*  
*ampton. Warden of the West-Marches*, *Cam.*  
*Brit. pa.* 606. *Warden of the Forest*, *Manwood.*  
*Par. 1. pa.* 42 & 111. *Warden of the Aulnage*,  
 18 *Hen. 6. ca. 16. Warden of the Kings Ward-*  
*robe*, 51 *Hen. 3. Stat. 5. Wardens of the Ta-*  
*bles of the Kings Exchange*, 2 *Edw. 3. Stat. 2.*  
*ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. Wardens of the*  
*Rolls of the Chancery*, 1 *Ed. 4. ca. 1. & 5.*  
*Warden, or Clerk of the Hanaper of the Chan-*  
*cery*, *ibidem. Warden of the Kings Writs and*  
*Records of his Common Bench*, *ibidem. Warden*  
*of the Kings Armour in the Tower*, 1 *Edw. 4.*  
*ca. 1. Warden of the House of Converts*, 12  
*Car. 2. ca. 30. Warden of the Stanneries*, 14  
*Car. 2. ca. 3. Warden & minor Canons of St. Pauls*  
*Church London.* 22. & 23. *Car. 2. Act. for main-*  
*tenance of Ministers in London.* See *Gardian.*

**Wardmore**, (*Wardmotus*) Is a Court kept  
 in every Ward in London (*Anno 32 Hen. 8.*  
*ca. 17.*) ordinarily call'd among them the *Ward-*  
*more Court.* vide *Cart. Hen. 2. de libertatibus*  
*London*, where there are 26 Wards, which are  
 as Hundreds, and the Parishes as Towns, 4 *Inst.*  
*fo. 249.*

**Wardpeny**, alias **Warpen** & **Warchpeny**.  
*Denarii vicecomiti vel aliis Castellani persoluti*  
*ob castrorum praesidium, vel excubias agendas.*  
 — *Concedo etiam eidem Ecclesiae leugam circum-*  
*quaque adjacentem liberam, & quietam ab omni*  
*geldo & secto & Hidagio & danegeldo & opere*  
*pontium & Castellorum & parcorum & omnibus*  
*auxiliis, placitis, & querelis, & firis, & Hundre-*  
*dis; cum saca & soca, & Thol & Theam, & In-*  
*fangtheof & Warpeny, & Lestage, & Ham-*  
*socne, & forstal, & Blodwite, &c. Chart. Gul.*  
*Conq. Ecclesiae S. Martini de Bello.* — *Re-*  
*cinui vero mihi & heredibus meis Warpeny &*  
*Peterspeny, de praedicta terra. Carta Ber-*  
*tram de Verdon. penes W. Dugdale mil.*  
*warpena. Domesday.*

**Wardwite**, (*Sax.*) Significat *quietantiam*  
*misericordiae in casu quo non invenerit quis homi-*  
*nem ad Wardam faciendam in castro vel alibi,*  
*Fleta lib. 1. Immunitas a praesidio faciendis, vel*  
*ab eorum contributione. Spelm.*

**Warectum**, & certa **Warecta**, **Warec-**  
**cum** & **Varectum**. (*Fr. Terre garée*) Land  
 that has been neglected, and long untill'd; also  
 Fallow ground. *Tempus warecti*, in ancient  
 Records, signifies the time wherein Land lies  
 Fallow, the Fallow year, or season for Fal-  
 lowing Land. — *In Warectis, in brueris, in*  
*bofcis, in mariscis, in defensis, & in omnibus ter-*  
*ris, &c. Mon. Angl. 2. Par. fo. 253. a. — xxv*  
*acras unoquoque anno ad seminandum, & totidem*  
*ad Warectandum. Idem 1. Par. fo. 525. b. See*  
*Tvernagium.*

**Waren**, (*Warena*, from the Germ. **Wal-**  
**ren**, i. *Custodire*) Is a Franchise, or place pri-  
 viledg'd, either by prescription or grant from  
 the King, to keep Beasts and Fowl of *Waren*,  
 which are Hares and Conies; Partridges and *Phe-*  
*sants.* If any person offend in such Free-waren,

he is punishable for the same by the Common-  
 Law, and by Statute 21. *Ed. 3.* called the Sta-  
 tute *de malefactoribus in parvis & chaccis, &c.*  
*Videtur tamen Justiciarius hic & Concilio Dom.*  
*Regis, quod Capreoli sunt bestiae de Warena &*  
*non de Foresta, eo quod fugant alias bestias de*  
*Warena. Hill. An. 13 Ed. 3. Ebor. Rot. 106.*

**Watland**, The same with **Warectum**.

**Warnoth**, — *Inter Record. de Recept. Scacc.*  
*Trin. 33. Ed. 1. Linc. 46. coram Rege.* I find it  
 to be an ancient Custom, whereby, if any Ten-  
 nant, holding of the Castle of Dover, fail'd in  
 paying his Kent at the day, he should forfeit  
 double, and, for the second failer, treble, &c.  
 And, in *Mon. Angl. 2. Par. fo. 589. a. — Terris*  
*cultis & terris de Warnoth.*

**Warpenna**, **Wardpeny**. *Liddington. Ho-*  
*mines hujus Manerii reddunt Warpennam Vic.*  
*Regis aut custodiam faciebant. Domesday. tit.*  
*Grntbrig scire. See Wardpeny.*

**Warstot**, Was the contribution that was  
 made towards Armor, or War, in the Saxons  
 time. *Sint omnes tam primarii quam mediocres*  
*& minuti, immunes, liberi & quieti ab omnibus*  
*provincialibus, summonitionibus & popularibus pla-*  
*citis que Hundred laghe Angli dicunt, & ab om-*  
*nibus armorum oneribus, quod Warstot Angli*  
*dicunt & forinfecis querelis. LL. Forest. Canuti*  
*Regis. num. 9.*

**Warth** & **Warth Silver**: *de Warth ejus-*  
*dem Hundredi xiii. s. ix. d. Inquis. in Scacc. Adam*  
*de Okes was found by Ing. 18 Ed. 2. to dye seiz-*  
*ed of certain Tenements in Pinley. Com. War.*  
 held of the King, by the payment of a Half-  
 peny per Ann. called **Warth**. *Rot. Fin. 18*  
*Ed. 2. n. 26.* conceived to be the same with  
*Wardpeny*, and sometimes corruptly, call'd  
*Wharfsmoney.*

**Warwit**. See **Wardwite**.

**Waste** (*Vastum, Sax. wæst*) Hath divers  
 significations; first, it is a spoil made either in  
 Houses, Woods, Lands, &c. by the Tenant  
 for Life or Years, to the prejudice of the Heir,  
 or of him in the Reversion or Remainder.  
*Kitchin, fol. 168. &c.* Whereupon the Writ of  
*Waste* is brought for recovery of the thing  
 waited, and treble damages. See *Vasto. Waste*  
 of the Forest is most properly, where a Man  
 cuts down his own Woods within the Forest,  
 without Licence of the King, or Lord Chief  
 Justice in Eyre. See *Manwood 2 Part. cap. 8.*  
*num. 4 & 5.*

Secondly, *Waste* is taken for those Lands  
 which are not in any one Mans occupation,  
 but lie common, which seem to be so called,  
 because the Lord cannot make such profit of  
 them, as he does of his other Lands, by rea-  
 son of that use which others have of it, in  
 passing to and fro. Upon this none may  
 build, cut down Trees, dig, &c. without the  
 Lords Licence.

Thirdly, *Year, Day and Waste*, (*Annus, Dies, &*  
*Vastum*) Is a punishment or forfeiture belonging  
 to Petit-Treason or Felony, whereof you may  
 read *Stamf. Pl. Cor. lib. 3. cap. 30. And, see Te.*  
*Day, and Waste.* F f f t **Waste**,



**Waste-ground** (*Vastus fundus*) Is so called because it lies as *Waste*, with little or no profit, to the Lord of the Mannor, and to distinguish it from the Demesins in the Lords hands. 2 *Part. Inst. fol. 656.* See *Waste*.

**Wastel Bread** (*Anno 51. Hen. 3. Statute of Bread; Vox autem unde veniat, non liquet.* says the Gloss. in x. *Scriptores.* fortè a Gal. *Gasteau*, i. *libum*, *placenta habebit quotidie de liberatione xxx Sol.* & xii *wastellos dominicos* & xii *Siminellos dominicos.* H. *Hoved. fo. 420.* a. This was of the finest sort of Bread. See *Cocker.*

**Wastors** (*Anno 5. Edw. 3. cap. 14.*) Were a kind of Thieves so called. — There have been (says the Statute) divers *Paulsaughters*, *felonies* and *Robberies* done by People, called *Robbersmen*, *Wastors*, and *Drawlatches*. 4 *Hen. 4. cap. 27.*

**Water-bailiffs**, Seem to be Officers in Port-Towns, for the searching of Ships. *Anno 28 Hen. 6. cap. 5.* Also an Officer so called belonging to the City of London, who hath the supervision and search of Fish brought thither, and the gathering the Toll, rising from the Thames. He also attends on the Lord Mayor for the time being, and hath the principal care of Marshalling the Guests at his Table, and doth Arrest Men for Debt, or other Personal or Criminal Matters upon the River of Thames, by Warrant of his Superiors.

**Watergage** (*Watergagium & Aquagagium*) A Sea-wall or Bank, to stop or restrain the current, or overflow of the Water; also an Instrument to gage or measure the profundity, or quantity of any Waters.

**Watergang** (*Watergangium & Waterganga. Sax. wætergāng, i. Decursus aque*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to loose and drain water out of the marshes. Some Authors confound this with *Watergage*, but they seem to have different significations. *Carta Hen. 3. De Ordinatione Marisci de Romney, &c. Ad reparandum Wallias & Watergantias ejusdem Marisci contra Maris periculum.* — *Omnibus Ballivis de Besintone, Robertus de Curci salutem, Mando vobis atque precipio, quatenus iusticiarii meos homines de Spargate, ut faciant Wallas & Watergantas & clausuras Wallarum, sicut debent facere. & si facere noluerint, tam iusticiarii illos ut faciant, &c. Mon. Angl. 2 par. fol. 920. b.*

**Watergavel**, — *Henricus — Rex. salutem. Sciatis nos dedisse — dilecto & fideli nostro Huberto de Burgo, Comiti. Kantie, & Margarie uxori sue redditum xxxij s. & iv. d. quem homines eorundem Huberti & Margarie de Manerio suo de Elmour nobis reddere solebant singulis annis per manum Ballivi nostri de Menstre Worth, nomine Watergavel. Habend. &c. Dat. 15. Hen. 3.* This was a Rent paid for fishing in, or other benefit received from, some River or Water.

**Water-measure** (mentioned in the Stat. 22 *Car. 2. cap. —*) is greater than *Winchester-measure* by about 3 Gallons in the Bushel; and may be still used, notwithstanding the said Act.

**Wacting-street** (*Anno 39 Eliz. cap. 2.*) est *strata, quam filii Wethe Regni ab orientali mari usque ad occidentale per Angliam straverunt.* R. *Hov. fo. 248. a. n. 10.* It is one of these four ways, which the Romans are said to have made here, and called *Consulares*, *Prætorias*, *Militares*, *Publicas*. This Street is otherwise called *Worlamsstreet*, and leads from Dover to London, Dohstable, Toucester, Atterton, and the Severn, near the Wrekin in Shropshire, extending itself to Anglesey in Wales.

The second is called *Ikenildstreet*, stretching from Southampton over the River Isis, at Newbridge; thence by Camden and Litchfield, then it passeth the River Derwent near Derby, to Bolesover Castle, and ends at Tinnemsh.

The Third was called *Fosse*, because in some places it was never perfected, but lies as a large Ditch, leading from Cornwall, through Devonshire, by Terbury, near Stow in the *Wolds*; and besides Coventry to Leicester, Newark, and to Lincoln, &c.

The Fourth was called *Ermin*, or *Erminshope-street*, stretching from St. David's in West-Wales unto Southampton. See *LL. Edw. Conf. cap. 12.* whereby these *Quatuor Chemini*, or four Publick Ways, had the privilege of *Pax Regni*.

**Wabeson** — *In tantum quod omnes punitiones, correctiones, decedenda, Wabeson, Floreston, Lagason & Wabes, ac Regalia, viz. magna piscicaptas, &c. Carta Arth. Plantaginet magni Admiralli Anglie Majori & Civibus Rossen 4. Dec. 18. Hen. 8. penes Eliam Ashmole Arm.* such Goods as, after a wreck, do swim or float on the Waves.

**Washot** or **Wasfrot** (*Ceragium*) *Tributum quod in Ecclesiis pendebatur, ad subministrationem cere & luminarium.* **Wax**, *cera*, & **Shot**, *symbolum.* *Hac autem solitione multi se contendunt imminere esse a minoribus quibusdam decimis persolvendis. Eiusdemque generis sunt, que alia Cock & Wax, alia Watneport appellantur.* *Spelm.* This *Waxshot* was anciently paid thrice a year towards the charges of Candles in Churches.

**Way**. See *Chimin.*

**Wde** (for so they anciently wrote) **Wgod**. See *Strond*.

**Weald** or **Wield** (*Sax. weald, i. Sylva, desertum*) Is the Woody part of a Country, as the *Weald of Kent.* *Cam. Britan. pag. 247.* *Anno 26. Hen. 8. cap. 7.* In the Collection of Statutes, 14. *Car. 2. cap. 6.* It is misprinted *Wildes* of Surrey, *Suffex* or *Kent*, for *Wealds*.

**Wear** & **Were** (*Wera & Wara, Sax. wæra*) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the Stream to a Mill. — *Unan Waram & d. as Corlandas cum Dominio & praso. Mon. Angl. 2 par. fol. 128.* *Gurgites* is sometimes used in our Records, for *Wears*; as — *usque ad Gurgites*

*Gurgites, Anglice vocat. Snowwears. Idem Petrus tenet unum Gurgitem infra Wayam, a Wear on the River Wey. Liber niger Heref. fol. 66. See Kiddeit.*

*Waif. See Waif.*

**Wweigh** or **Wey** (*Waga*) is a Weight of Cheese or Wool, containing Two hundred fifty six pounds of *Avoir du pois*. A *Wweigh* of Barley or Malt is Six Quarters, or 48 Bushels. A *Wweigh* of Cheese in *Essex* is 300 pounds. — *Et decimam Casei sui de Herting, prater unam Peisam qua perrinet ad Ecclesiam de A. Mon. Angl. 3. par. fo. 80. b. where Peisa seems to be used for a Wweigh. See Waga. Cokes 12 Rep. fol. 17. mentions Eighty Wweigh of Bay Salt. See Waga.*

**Wweighs** (*Pondera*) There are Two sorts of them in use with us: The one called *Troy Wweigh*, which hath Twelve Ounces to the Pound, by which, Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread, are weighed: The other *Avoir du pois*, containing Sixteen Ounces to the pound, by which all other things are weighed, that pass by weight. *Geo. Agricola in his Learned Tract De Ponderibus & Mensuris. p. 339. termeth the Pound of Twelve Ounces Libram Medicam, and the other Libram Civilem, saying thus, Medica & Civilis Libra, numero non gravitate unciarum differunt. By these words Avoir du pois are sometimes signified such Merchandise as are bought and sold by this kind of Weights. The first Statute of York, 9 Edw. 3. in Proem. 27 Edw. 3. stat. 2. cap. 10. And 24 Hen. 8. cap. 13.*

All our Weights, and Measures, have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle sort, Twenty of which pence make an Ounce, and Twelve such Ounces a Pound; but Fifteen Ounces make the Merchants Pound, (*Fleta lib. 2. cap. 12.*) which (though an Ounce less) should probably be all one in signification with *Avoir du pois*; and the other Pound, called by *Fleta*, *Troy weight*, plainly appears to be all one, with that we now call *Troy weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Exchequer, throughout all the Realm, Anno 17 Car. 1. cap. 12. & 22 Car. 2. ca. 8.

**Wweights of Auncel** (*Anno 14 Edw. 3. stat. 1. cap. 12.*) See *Auncel Weight*.

**Wwepche**. — *Et omnia animalia advenientia fugitiva; Gallice Wwepche, in toto Hundredo de Halsou. Mon. Angl. 2 par. fol. 187. b. See Waif.*

**Wwend** (*Wendus* i. Perambulatio, circuitus, from the Sax. *wenjan*, to *Wwens*, Meare) Procius terre amplior, plurima juga in se continens. *Rentale Regalis Manerii de Wy, pag. 31. Tres sunt Wendis, viz. Downtwend, Chil-tones Wend, & Bousford Wend, & in quolibet Wendis sunt decem juga, & sic in tribus Wendis sunt 30 juga, quorum 26 juga & dimid. sunt in Wy; &c. Et infra. Quilibet Wendus faciet 10 averagia semper de tribus septimanis in Wyres, &c.*

**Wwert** and **Wwere** (*Sax.*) are words found in ancient Charters; the first signifies a Castle; the last, *estimatio capitis*, or, *pretium*, quo *capitus estimabitur*. See *Estimatio capitis*.

**Wwere** alias **Wwere** (*Sax. wese & wesa, i. pretium*) Signifies as much as *estimatio capitis* or *pretium hominis*, that is, so much as one paid in ancient time for killing a Man; when such crimes were punished with pecuniary mulcts, not death. In *LL. Edm. Conf. ca. 11*. We read — *Wwere suum* — id est, *Pretium sue redemptionis*, his ransom. — *Si quis ante Comitum in placito pugnaverit, emendet secundum pretium sui ipsius & forisfacturam, quod Angli dicunt wese & wite. Can. LL. MS. pag. 150.* In which words the Saxon *þ* (*w*) is often mistaken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and see *Gavellet*.

**Wweregelt** (*thet*) Significat latronem qui redimi potest. *Fleta, lib. 1. cap. 47. vel Gersuma pro latrone evaso ex carcere. Ex MS. Abbatiz Radigix.*

**Wwergile**, **Wwergeld** (*Wergildus*) *Pretium seu valor homini occisi, homicidii pretium*; which was paid partly to the King, for the loss of His Subject, partly to the Lord, whose Vassal he was, and partly to the next of kin. — *Quendam (crimina) emendari non possunt; que sunt Hwasreth, Wernet & Wpenhet, & Wberes word, & Latordstich & infractio pacis Ecclesie, vel per manus Regis per homicidium. LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redeemed per *Wweram*. — *De unoquoque fure per totam Scotiam est Wwergelt 30. Vacce & una juvenca, siue fuerit liber homo siue servus. Reg. Majest. lib. 4. cap. 19.* The *Wwergild* of an Archbishop, and of an Earl was 15000 *Thrimsa's*. *Seldens Titles of Honor, fol. 604.*

**Wweretoff**. — *Et sint quieti de communi misericordia Comitatus, de Wardpeny & Averpeny, de Hundredpeny, & Thirddingpeny, de Wweretoff & de Forseng. Carta Hen. 1. from the Sax. wese-to-pon, i. To take a ransom or price for killing a Man. See Wwere.*

**Wwerhades & Wwithades** (*Sax.*) virilis & feminei Sexus. *LL. Edm. Regis. ca. 1.*

**Wwervagium**. — *Cum omnibus aliis consuetudinibus, legibus, & libertatibus suis & Wwervagio suo bi lande & bi strande. Carta Hen. 3. Leveshamensi Canob. Quere.*

**Wwest**, **Wwaronlage** alias **Wwest**, **Wwerenlaga**, Was the Law of the West Saxons. *LL. Gul. 1. tit. 4. See Merchenlage.*

**Wwestminster** (*Westmonasterium*) *Sax. Westmynstet, i. Occidentale Monasterium*) Was the ancient Seat of our Kings, and is now the well known place where the High Court of Parliament, and Courts of Judicature, sit: It had great Privileges granted by Pope Nicholas, among others — *ut amplius in perpetuum Regia constitutionis locus sit atque repositoryum Regalium Insignium. Ep. ejus ad div. Edoyard. Concil. Tom. 3. B. fol. 1228. See City. And 4 hist. fol. 255.*

**Wwercroft**



**Waetecroft.** ----- *Habebit mensuram unam, sc. Waetecroft, cum orto, ubi possit manere, &c.* Mon. Angl. 2. par. fol. 40. b.

**Wharf** (*Wharfs*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries, fol. 3. Anno 12. Car. 2. cap. 4.*

**Wharfage** (*Wharfagium*) Is Money paid for Landing Wares at a *Wharf*, or for Shipping, or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26. And 22 Car. 2. cap. 11.*

**Wharfinger**, Is he that owns or keeps a *Wharf*, or hath the oversight or management of it. *Anno 7. Edw. 6. cap. 7. 12 Car. 2. cap. 4. And 22 Ejsdem, cap. 11.*

**Wherlage** (*Rotaticum, Fr. Rouage*) *Tributum est quod Rotarum nomine penditur; hoc est, pro plaustris & carris transeuntibus. Spelm.*

**Whitchart-silver** (*Candidi servi argentum*) Is a Tribute or Mulct paid into the Exchequer, out of certain Lands in or near the Forest of *Whitchart*; which hath continued from *Henry the Third's* time, who imposed it upon *Thomas de la Linde*, for killing a most beautiful *White Hart*, which that King before had purposely spared in Hunting. *Cam. Brit. pa. 150.*

**Whitrent**, is a Duty or Rent of 8 d. payable yearly by every Tynner in the County of *Devon* to the Duke of *Cornwal*. See *Quitrent*.

**Whitc Spurs**, A sort of *Esquires* so called. See *Esquires*.

**Whitestrays**, A kind of course Cloth, made in *Devonshire*, of about a yard and half quarter broad, raw; and mentioned *Anno 5 Hen. 8. cap. 2.*

**Whitson-farthings** (see *Pentecostals*) mentioned in Letters Patent of *Hen. 8.* to the Dean and Chapter of *Worcester*.

**Whitawarii Whittawers**, *Scil. quia coria bovina & equina furata scienter albificant, ut sic non agnoscantur. Statuta Walliae. 12. Edw. 1.* I find it elsewhere written *Whytawers*, and interpreted, *Allurarii vel interpolatores albi corii.* *Hist. Oxon. fo. 158.*

**Whit**, a place on the Sea-shoar, or on the Bank of a River. *1 Inst. fo. 4. b.* but it more properly signifies, in the Saxon, a Street, a Village, or Dwelling place; also a Castle. See *Wyke*.

**Whitchmote**, See *Quietancia*.

**Widow of the King** (*Vidua Regis*) Was she, who after her Husbands death, being the Kings Tenant in *Capite*, was driven to recover her Dower by the Writ *De Dote Assignanda*, and could not Marry again without the Kings consent. *Stamf. Prærog. cap. 4.* See the Statute of the *Prærog. Anno 17. Edw. 2. Mag. Char. cap. 7. And 32 Hen. 8. cap. 46.*

**Widowhood** (*Viduitas*) The state or condition of a Widow. *Scient quod ego Margeria quæ fuit uxor R. Smith de Birchore (Com. Heref.) in Viduitate & in legitima potestate mea remissit,*

*relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Johannis Baptiste, Anno 9. Hen. 4.*

**Will or Last Will** (*Testamentum, ultima voluntas*) Is of two sorts, a *Will in Writing*, called also a *Testament*; and a *Will by word of mouth only*, called a *Nuncupative Will*, which being proved by Three or more Witnesses, may be of as good force, as that in writing; except only for Lands, which are not devitable, but by a Testament put in writing in the Life of the Testator. See *Touchstone of Wills, pa. 2.* and the *Stat. Car. 2. ca.*

Ex codice MS. nuncupato  
March penès Registrar. Curiae  
Prærog. Domini Archiepif.  
Cantuar. Qu. 7.

**I**N nomine Patris & Filii & Spiritus Sancti, Amen. The Sevententh day of September, the yer of our Lord Jhu Christ a thousand four hundred and four, I Lowys Clyfforth (He was made Knight of the Garter, by King Richard the Second,) tals and Traytor to my Lord God, and to alle the blessed company of Hevene, and unworthe to be clepyd a Cristen man, make and ordeyn my Testament, and my last Wille in this manere.

At the begynnynge, I most unworthe and Goddys tratour, recommaund my wrechid and synfule Soule hooly to the grace, and to the mercy of the blefsful Trynity; and my wrechid careyne to be berped in the fexthest corner of the Chircheyrd, in which parish the my wrechid Soule de; arteth fro my Body.

And I pray and charge my Survivors and my Executors as they wollen answere to fore God, as all myne hoolle trest in this matere is in hem, that on my synking careyne be neyther leyd clothe of gold ne of silke, but a blake clothe, and a Caper at myne hed, and another at my fete, ne stone ne other thinge, where by eny man may witte where my synking careyne liggeth. And to that Chirche do myne Executors all thingis which owen duly in such caas to be don, without eny moze cost saaf to poze men.

And also I pray my Survivors and myne Executors that eny dette that eny

eny man kan are me by true title, that hit be paid. And if eny man kan trewly sey that I have do him eny harme in body or in good, that ye make la-gely his gree wyyles the goodys wole streche.

And I wole alsoe, that none of myne Exeruto:s meddle or mynysh the eny thinge of my goodys withoutyn abyie and consent of my Superuisors or sum of hem.

Now first I bequethe to Sire Phylpe la Vache knyght my Haste-Boke and my Porttoos; and my Boke of Tribulacion to my daughter his wif.

Et quicquid residuum fuerit omnium & singulorum bonorum & catallorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Johanni Cheynee & Thomae Clanvow militibus libere sibi possidendum, &c.

Probatum, &c. 5 Dec. Anno 1404.

**Waldgreve** (a **Wald** vel **Wald**, quod Sylvam sonat) An overseer of a Wood, a Woodward. Thus *Spelman*. But **Wald** in Saxon signifies *Via*; so it may rather signify an Overseer of the Highways.

**Waldke** See **Waldke**.

**Waldches** (Anno 21 Jac. cap. 32.) A kind of Engin to draw Barges up the Water against the Stream.

**Waldass**, **Waldass** & **Waldass**, corruptly **Windass** (*Windassum*) is a Term in Hunting (as, to drive the *Windass*) signifying the chasing a Deer to a Stand, where one is ready with a Bow or Gun to shoot. — Et omnes illi qui tenuerunt in Bondagii tenura solebant vocari Custumarii; Et quotiescunque dominus ad venandum venerit, illi Custumarii solebant fugare Windassum ad stabulum in fugatione ferarum bestiarum, secundum quantitatem tenuræ sue, &c. MS. de Consuetud. Manerii de Sutton Colfield, Anno 3. Ed. 2.

**Waldkinga**. — Et dedi eis totas Winkingas in Boschis & Planis. Mon. Angl. 1 par. fol. 592. b. Quære.

**Waldierden** — Ut Ecclesia Croysland sit tuta ab omnibus taxationibus, quæ nos dicimus **Waldierden**, &c. Carta Ethelwulfi Regis Anno 855.

**Waldierheyning** (Anno 20. Car. 2. cap. 3.) Is from the Eleventh day of November, to the 23 of April; which time is, by the said Act, excepted from the liberty of Commoning in the Forest of Dean.

**Waldilthef**, (*Vale royal*, p. 113.) Perhaps mistaken for *Weregeltbes*, which see.

**Waldre**, quatuor virgatis constat. MS. *Albathie re Belle*. It was a measure of Land among our Saxons.

**Waldre**, (Sax.) Punishment, forfeiture, penalty, a fine or mulct, anciently of xxx Sol. *Seiden of Tithe*, p. 203. Hence our **Waldre** or **Waldret**, one of the terms of Priviledge granted to our *Portmen*; signifying a freedom or immunity from Fines or Amercements; not, (as it is vulgarly accepted and construed among them) from being lyable to be begg'd for Fools for lack of *Wit* or understanding. Sax. Dict. See *Wite* & *Gloss. in x Scriptores*.

**Waldrennot** & **Waldrennot** (Sax.) *Conventus sapientum*. It was a great Convention among the Saxons, answerable to our *Parliament*.

**Waldreden**, alias **Waldreden** & **Waldreden**, Was a kind of taxation among the West Saxons, imposed by the publick Council of the Kingdom. For *rite* and *ritan* signifie *maiores Regni*, and *padan*, *cancilium*. Charta Ethelwulfi Regis catholica, apud Malin. de gest. R. lib. 2. fo. 22. n. 30. — *Mansio* (i. e. quævis Ecclesiæ assignata,) *Sit tuta & libera ab omnibus secularibus servitiis, Nec non regalibus ritibus, maioribus & minoribus, sive taxationibus, quæ nos dicimus Waldreden*, &c.

**Waldree** (Sax.) Immunis a mulctis.

**Waldernam**, (*Vestitum namium*, Sax. *Py, h* contra, *Rain*, *captio*. *Reprisals*) Is the taking or driving a distreis to an Hold, or out of the County, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party distreined; In which case the Writ of *Waldernam*, or *de vetito namio* is directed to the Sheriff, for the taking as many of his Beatts as he did thus unlawfully distrein, or, as much Goods of his, till he has made deliverance of the first Distreis: Also, if the Beatts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute *Westm. 1. ca. 20. & Briton, ca. 27. Waldernam*, (in *Bracton*, lib. 3. tract. 2. ca. 37. and in *Westm. 2. ca. 2.*) seems to signify an unlawful distreis, made by him that has no right to distrein. Anno 13. Edw. 1. ca. 2. See the New Book of Entries, on this word.

**Waldnesman**. — Inde venient ad supradictos dominos predictam villarum & petent ab eis **Waldnesman**, & ipsi domini facient *Forestarios Waldnesman*, sic & omnes *Forestarii mei jurabunt invicem, qui facti fuerint Forestarii quod neminem nocerunt occasione illius testimonii*, &c. Carta Johannis de veteri Ponte in Castello de Appleby. Dar. 6. Johan. Reg.

**Wald** (*Glastum*) Is an Herb like Plantain, growing in some parts of England, the parts of Toulouse in France, and in Spain, much used for the Dying a Blew colour, Anno 7. Hen. 8. ca. 2. we call it *Woad*, from the Italian *Guado*.

**Waldere** — *De fossis, foris & Wodere* respondent — Lib. niger Heref. fo. 82.

**Wald**, (Sax.) Lat. *Wald*,) A Plain, a Down, an open Champian ground, Hilly, and void of Wood; as *Stow* in the *Wolds*, and *Cotswold* in Gloucestershire. This is sometimes misunderstandingly confounded with *Weald*.

**Walderrhoun**. That certain Engins, called *G. g. g. Wonder*.



*Wonderchones*, used in Havens and Creeks for the destruction of Fish, may be forbidden. *Petition of Commons in Rot. Parl.* 51. Ed. 3.

**Wong.** (Sax.) Lat. *paſſus*. A Field. *Tres acrae terrae jacentes in lex wong* i. in campis opinor seminalibus, magis quam pascuis, says *Spelm.* So in an ancient Charter of *Garradon-Abby* in *Leicestershire*, Dat. 14. Ed. 3. There is mention of the *wicket-wong*, which is a large piece of enclosed Ground, lying before the Abby-gate, still retaining the name. See *Wang*.

**Wormetak.** Item est ibidem (scil. apud Orleton) de Wormetak vi s. viii d. solvend. annuatim ad Festum St. Martini. Inq. apud Heref. 22. Ric. 2.

**Worthine of land** (*Worthinum terrae*) a quantity of land so called in the Mannor of *Kingsland* (Com. Heref.) And in some Mannors certain Tenants are called *Worthies*. 18 Ed. 3. Inter consuetud. de *Haddenham* in Com. Bucks.

**Woodgeld.** (*Woodgelum*) Seems to be the gathering, or cutting Wood within the Forest, or Money paid for the same to the Foresters. And the immunity from this by the Kings Grant, is by *Crompton* called *Woodgeld*, fo. 157. *Coke* (on *Litt. fo.* 233. a.) says, it signifies to be free from payment of Money for taking of Wood in any Forest.

**Woodhay.** Is an ancient Custom at *Exeter*, whereby a Log out of every Seam of Wood brought over *Ex-bridge*, is taken towards the reparation of that Bridge. *Antiq. of Exeter*.

**Woodmen.** Are those in the Forest, who have Charge, especially, to look to the Kings Woods. *Crom. Jur. fo.* 146.

**Woodmote Court.** Is the Court of Attachment of the Forest. *Manw. Par.* 1. pa. 95. See *Attachment*.

**Wood-plea Court.** Is a Court held twice a year in the Forest of *Clun*, in Com. Salop, for determining all matters of Wood and Agistment there; and, was anciently, perhaps, the same with *Woodmote Court*.

**Woodward.** (*Woodwardus*) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fo.* 141.

**Y O U** shall truly execute the Office of Woodward of B. Woods, within the Forest of W. so long as you shall be Woodward there; you shall not conceal any Offence, either in Vert or Venison, that shall be committed or done within your charge; but you shall truly present the same, without any Favour, Affection or Reward: And, if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verderor to understand thereof; and, you shall present the same at the next Court of the Forest, be it *Swainmote* or Court of Attachment; So help you God.

*Woodwards* may not walk with Bow and Shafts, but with Forest Bills. *Manwood, par.* 1. pa. 189. *Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo) Hachetum*

*tantummodo.* Sic Term. Hill. Anno 13 Ed. 3. Ebor. rot. 106.

**Wool-drivers.** (*Anno* 2 & 3. Ph. & Mar. ca. 13.) Are those that buy Wool, abroad in the Country, of Sheepmasters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

**Woolfishered.** See in *Wul*.

**Woolstaple.** (*Anno* 51. Hen. 3. Stat. 5.) That City, Town or place where Wool was Sold. See *Staple*.

**Wool-winders.** Are such as wind up every Fleece of Wool that is to be packed and sold by weight, into a bundle, after it is cleansed in such manner as it ought to be by Statute; and, to avoid such deceit, as the Owners were wont to use, by thrusting in locks of refuse Wool, and other Dross, to gain weight, they are Sworn to perform that Office truly between the Owner and the Buyer. See the Statute 8 H. 6. ca. 22. — 23 Hen. 8. ca. 17. and 18 Eliz. ca. 25.

**Wraglands.** Seem to be misgrown Trees, that will never prove Timber. *Kitchin, fo.* 169. b. *quasi Wraglands*, that wrong the ground they grow in.

**Wreck.** (*Wreckum maris.* Sax. *ppæc.* i. *De tortum, abdicatum.*) Is, where a Ship is perished on the Sea, and no Man escapes alive out of it, if any part of the Ship, or any of the Goods that were in it, are brought to Land by the Waves, they belong to the King by His Prerogative, or to such other Person to whom the King has granted *Wreck*. But, if a Man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by Provision of the Statute of *Westm.* 1. ca. 4. & 17 Ed. 2. ca. 11. See *Coke, Vol.* 6. fo. 106. a. *Bratton, lib.* 2. ca. 5. num. 7. *Edouardus Conf. Ringsted cum libertate adjacentis & omni mark ejusdem, quod Wreck dicitur, Ecclesie Ramesiensis largitus est.* Lib. Ramesien. Sect. 95. By which, and other Antiquities, it appears, that *Wreck* did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast upon the Land, were it precious Stones, Fishes, or the like. For, in the Statute *Prærog. Regis* ca. 11. we read — *Rex habebit Wreckum maris per totum regnum, Balenas & Sturgesones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* — See *Rot. Cart.* 20. Hen. 3. m. 3. & *Rot. Cart.* 14. Hen. 3. m. 6. & *Pat.* 42. H. 3. in *Dorso*, m. 1. This in the *Grand Customary of Normandy*, ca. 17. Is called *Watech*, and Latined *Veriscum*; and in some of our Ancient Charters it is written *Wreche, Wreter, Werenche* and *Deuy-werp quasi Dea-uy-werp*, i. *Ejectus maris from Wy-werpey, ejicere.* In the Statute 27 Hen. 8. ca. 26. it is called *Wreke de mer.* See 2 *Inst. fo.* 167.

**Writ.** (*Breve*) Is the Kings Precept, whereby any thing is commanded to be done touching a Sure or Action, as the Defendant or Tenant

nant to be summoned, a Distress to be taken, a Distress to be redressed, &c. And these *Writs* are variously divided in divers respects; Some in respect of their Order, or manner of granting, are termed *Original*, and some *Judicial*. *Original Writs* are those which are sent out of the High Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends upon emergent occasion after the Sute begun. *Old Nat. Br. fo. 51. & 147.* And, *Judicial* are thus known from *Original*, because their *Teste* bears the name of the Chief Justice of that Court, whence it comes, whereas the *Original* saith, *Teste meipso*, in the name, or relating to the King, and, according to the nature of the Action they are *Personal* or *Real*; *Real* are either touching the Possession, called *Writs of Entry*; or the Property, called *Writs of Right*. Of the Antiquity of the *Writ of Right*, thus in a Charter of King *Atthelstans*, of Privileges granted to *S. John of Beverley*, Anno 925.

**I, if man be cald of limes or lif,  
D, men challenges lond in strif,  
Wit my bodilak wit writ of Right,  
I wil Saint John have the might.**

Some *Writs* are at the Sute of the Party, some of Office. Some ordinary, some of Privilege. A *Writ of Privilege* is that which a *Privileged Person* brings to the Court for his exemption, by reason of some Privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privilege*. See *Brief*.

**Writ of Rebellion.** See *Commission of Rebellion*.

**Writ of Assistance**, Issues out of the Exchequer to Authorise any person to take a Constable, or other publick Officer to seize Goods or Merchandise prohibited and uncustomed, &c. *Stat. 14. 2. Car. 1.* There is also a *Writ* of this name, issuing out of the Chancery to give a Possession.

**Writs Vicountiel**, are such *Writs* as are triable in the County, or Shire Court. *Old Nat. Br. fo. 109.* See *Vicountiels*.

**Writer of the Tallies**, (*Scriptor Talliarum*) Is an Officer of the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the *Tallies* the whole Letters of the Tellers Bills.

**Wudheper & Wudheth.** See *Pudhepec*.

**Wulvesheved**, *Contractus Wulveshead*, (*Sax. pulse, lupus & Heofod, caput, i. Caput lupinum.*) Was the condition of those that were Outlaw'd for Criminal matters in the Saxons time, for not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did defend themselves,

they might be slain, and their Heads brought to the King; For, their Head was no more to be accounted of, than a *Wolfs Head*. *LL. Edw. ter forth by Lamb. fo. 127. b. num. 7. and Bracton, lib. 3. Tract. 2. ca. 11.* See *Utlary. Wulveshead & Wulferford*, are all one. *Coke on Litt. fo. 28. b.*

**Wulree.** *Charta 1. Ric. 1. Civibus Ebor. quere.*

**Wyke**, (*Wika*) A Farm, or little Village. — *Et totam Wykam cum hominibus, &c. Mon. Angl. 2 Par. fo. 154. Car cesty q' prist Lense pur anz dum Farme en le northpais appelle ceo Tacke, et en Lancashire il est appelle Fermekolt, & en Essex, Wyke. Plowden, 10. 169. b.*

**Wyte**, or **Wite**, (*Wyra vel Wita. Sax. wite, i. Pena, multa*) Saxones duo multarum genera statuere; *Wieram & Wytiam. Wera mortis reos & gravissime peccantes liberabat. Wyta mediis & levioribus delictis statuta fuit, non certa sed pro qualitate commissis; alias gravior, alias levior; salvo tamen semper contentimento delinquentis (ut lex loquitur in Mag. Char. 2. 14.) hoc est, estimatione ejus, Anglice, his Countenance.* — *Ex his placitis quedam emendantur centum solidis, quedam Wera, quedam Wyta, quedam emendari non possunt. Leg. Hen. 1. ca. 13.* — *Emendet juxta ordinis dignitatem sive per redemptionem, i. Wiere; per satisfactionem, i. Wite; per Legis transgressionem, i. Wastite. MS. de LL. Canuti in Bibl. Cotton. sub tit. Vitellius, C. 9.*

## X.

**Xenia**, Dicuntur munuscula, que à Provincialibus Recloribus Provinciarum offerebantur. Vox in Privilegiis Chartis non infusa; ubi quietos esse à Xenis, immunes nctat ab hujusmodi muneribus aliisq; Donis Regi vel Regine prestandis, quando ipsi per pradia Privilegiatorum transferunt; ut in *Chart. Domus Semplingham*. Principibus enim olim fuit in more, à subditis vel invitis munera extorquere. Itaque ab hoc jugo liberos fecit Ecclesiasticos *Ethelbaldus Rex Merciorum Anno 749. ut ab exemplari Chartæ sue cum apud Ingulphum Sax. tum Wil. Malmsb. Lib. de Gestis Reg. Angl. p. 29. l. 4. His verbis habetur.* — *Concedo ut omnia Monasteria & Ecclesia Regni mei a publicis vestigalibus, operibus & oneribus absolvantur.* — *Nec munuscula prebeant Regi vel Principibus, nisi voluntaria. Spelm.* — *Nulla autem persona parva vel magna ab hominibus & terra Radingensis Monasterii exigit, nec equitationem sive expeditionem non summagia, non vestigalia, non navigia, non opera, non tributa, non Xenia, &c. In Memoranda Scacc. de Anno 20. Edw. 3. Trin. Rpt. 3.*



## Y.

**Y A & Nay** — *Quod homines sui* (Riponenses) *sine credendi per suum*. Ya & per suum Nay in omnibus querelis & Curis, licet tamen. *secundum* Regis. Carta Athelstani Regis.

**Yard (Virga)** Is a well known measure of three Foot in length, which Henry the First ordained by the length of his own Arm. See *Virga ferrea*.

**Yard Land (Virgata terra, a Sax. Gýrd, i. Virga)** Is a quantity of Land, various according to the place. As at Wintleton in Surrey, it is but 15 Acres, in other Counties 20, in some 24; in some 30, and in others 40 Acres. *Virgata terra continet 24 acras, & 4 virgatae constituunt unam Hidam, & quinque Hidae constituunt fodium militare*. MS. Abbatiae Malmsb. — This Yardland, *Bracton* (lib. 2. cap. 10 & 27.) calls *Virgatum Terram*; but expresseth no certainty what it contains. It is called a *Verge of Land*. Anno 28. Edw. 1. *Statute of Wards*. See *Seldens Titles of Honour*, fol. 622.

**Year and Day (Annus & Dies)** Is a time that determines a Right in many cases, and is in some a usufruct, and in others a prescription; as in case of an Estray, if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the *Year and Day* given, in case of Appeal, of Descent, after Entry or Claim, of Non claim upon a Fine, or *Writ of Right*, of the death of a Man sore bruised or Wounded: of *Protections*, *Essoigns*, in respect of the Kings Service; of a *Wreck*, and divers other cases. *Coke Vol. 6. fol. 107. b. and 3 Inst. fol. 53.*

**Year, Day, and Waste (Annus, Dies, & vastum)** Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements, for a Year and a Day that are attainted of Petit-Treason, or Felony, whosoever is Lord of the Mannor, whereto the Lands or Tenements do belong; and not only so, but in the end may waste the Tenements, destroy the Houses, root up the Woods, Gardens, Pasture, and Plough up the Meadows, except the Lord of the Fee agree with him for redemption of such Waste; afterwards restoring it to the Lord of the Fee, whereof you may read at large, *Stamf. Prerog. cap. 16. fol. 44.*

**Yelling and Paying (Reddendo & solvendo)** Is a corruption from the Sax. Geldan and Gildan, *Solvere, prestare*. And in *Domesday* Gildare, is frequently used for *Solvere, Reddere*; the Saxon being often mistaken into Y.

**Yemal**, Is an ancient corruption of *Hicme*, Winter, as I have seen in an old Deed — *Reddend. — Ad Festum S. Martini in Yeme*,

&c. And in another of 4 Edw. 3. Thus, — *Reddend. quando dict. quatuor acrae terre seminantur semine Yemali, duodecim Buffel. lons & legalis frumenti ad Festum Purificationis, &c.*

**Yeven or Yeoven**, (as we use at the end of Indentures, and other Instruments, *Yeoven the day, and year first above written*.) Is derived from the Saxon Geopian. i. *Dave*, and is the same with *Given*. So *Dictum de Kenelworth* concludes with — *Yeoven and proclaimed in the Castle of Kenelworth the day before the Calends of Nov. Anno 1256.*

**Yeman or Yoman** (from the Sax. *Gemane, i. Communis*, or *Gumari. Vir vigilans*, a painful Man.) These Camden in his *Britan.* pag. 105. placeth next in order to Gentleman, calling them *Ingenuos*, whose Opinion the Statute Affirms, Anno 6 Ric. 2. cap. 4. And 20. *Ejusdem.* cap. 2. Sir Tho. Smith in his *Repub. Angl. lib. 1. cap. 23.* calls him a Yoman, whom our Laws call *Legalem hominem*, which (says he) is in English a Freeman born, that may dispend of his own Free-land, in yearly Revenue to the sum of Forty Shillings Sterling. *Verstegan* (in his restitution of Decayed Intelligence, cap. 10.) writes, That Yeman among the Ancient Teutonicks, and Gemein among the Modern, signifies as much as Common, and that the first Letter G. is in this word, as in many others, turned into Y. and so written Yeman, which therefore signifies *Commoner*. Yoman signifies also an Officer in the Kings House, in the middle place between the Serjeant and the Groom; as Yoman of the Chaudry, Yoman of the Scullery. Anno 33. Hen. 8. cap. 12. Yoman of the Crown. Anno 3. Edw. 4. cap. 5. The word *Yongmen* is used for Yeman in the Statute of 33. Hen. 8. cap. 10. And I have seen it written Yeman, in Old Deeds. See Yeman.

**Yingeman**. LL. Hen. 1. cap. 16. *Danagildum quod aliquando Yingenian dabatur, i. 12 d. de unaquaque hida per annum, si ad terminum non reddatur, Wita emendetur*. The Learned *Spelman* thinks this may possibly be mistaken for *Inglishman* or *Englishman*, though written *Yingeman*, both in Sir Rob. Cottons Codex, and his own.

**Yvernagium** (from the Fr. *Hyvernee, i. The Winter-season*) Was anciently used for the Winter-Seedness or Season for Sowing Corn. — *Dictum vero Willielmus & heredes sui dabunt unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Warectum, &c.* Carta Ricardi de Harrecurt, penes Tho. Wollascot Arm. Sine dat.

## Z A

## Z U

## Z.

**Z**abulum (lat. Sabulum) gross Sand or Gravel. Quinque Plaustratas Zabuli, for five Wain load of Sand, Computus temp. Hen. 6.

Zuche (Zuchus. Fr. Souche.) Strips siccus & aridus, A withered or dry stock, or stub of a Tree. Rex, &c. Quia accepimus per Inquisitionem, quod non est ad dampnum seu prejudicium no-

strum aut aliorum, si concedimus dilecto valetio nostro Ric. de Stelley omnes Zuchos aridos, qui Anglice vocantur Stobenes infra Hayam nostram de Beskerwood, que est infra Forestam nostram de Shirewode, &c. Pla. Forestæ in Com. Nott. de Anno 8. Edw. 3. ——— Auxilium faciend. Burghensibus Salop. de veteris Zuchis & de mortuo bosco, &c. Claus. Hen. 3. m. 10. Rex concessit Thomæ de Colville omnes Zouches aridos, vocat. Stubbes arborum succiforum, in Foresta de Galtres, ibidem capiend. per visum Custodis forestæ ultra Trentam. Pat. 22. Ed. 3. Par. 3. m. 12.

## AUSONIUS.

*Alius alia plura invenire potest: nemo omnia*

H h h h

An



# T A B L E.

An Alphabetical T A B L E of Ancient Surnames, as they are written in our Records.

## A.

**H** *Enricus de Aldithelcia*, was the First Lord Audley.  
*de Alneto*. Dauney.  
*de Albo Monasterio*. Whitchurch.  
*de Alta ripa*. Dantry.  
*de Aqua frigida*. Freshwater.  
*Aquapontanus*. Bridgwater.  
*Johannes Avonius*. John of Northampton.  
*Ala Campi*. Wingfield.  
*Aurifaber*. Orfeur, an Ancient Name in Cumberland.  
*de Auco*. Owe.  
*de Alba Marla*. Albemarle.  
*de Aula*. Hall.  
*de Arida Villa*. Dryton or Dreydon.  
*de Aurco Vado*. Gulseford.  
*Albericus & Albrea*. Aubrey.  
*de Arcubus*. Bowes.  
*de Albeneio*. D'aubenev, Albiney.  
*de Adurni portu*. Etherington.

## B.

**R** *Ichardus de Benefactis*. Benfield.  
*Blaupain, al. Blancpain*. Whitebread.  
*de Bosco*. Bois.  
*de Bella fide*. Beaufoy.  
*de Burgo charo*. Bouchier.  
*de Bello loco*. Beaulieu.  
*de Bello foco*. Beaufeu.  
*de Bello Marisco*. Beaumars.  
*de Bosco Roardi*. Borhard.  
*de Bello fago*. Beaufu.  
*de Blossavilla*. Bloville, Blofeild.  
*de Bello campo*. Beauchamp.  
*de Bello monte*. Beaumont.  
*de Bovis villa*. Bovil.  
*de Bella aqua*. Bellew.  
*de Bello prato*. Beaupre.  
*de Busiaco*. Busli, Busley. One of this Name founded Blyth-Abby. Anno 1088.  
*Benevolus*. Benlows.  
*de Bello situ*. Bellasife.  
*de Bona villa*. Bonevil.  
*de Bono Fagato*. Goodrick.

## C.

**R** *Okertus de Casa Dei*. Godshall.  
*de Chauris & Cadurcis*. Chaworth.  
*de Claro Monte*. Clermont.  
*de Cantilupo*. Cantlou.  
*de Curva Spina*. Creithorne.  
*de Clavis vallibus*. Clarival.

*de Capricuria & de Capreolocuria*. Chevet-court.  
*de Caro loco*. Carelieu.  
*de Campo Arnulphi*. Champernouh.  
*de Crepito corde*. Creveceur.  
*de Ceraso*. Cherry.  
*Cunetius*. Kenet.  
*Cinomanicus*. Maine.  
*de Clivo forti*. Clifford.  
*de Campania*. Champneis.  
*de Columbaris*. Columbers.  
*de Conductu*. Chenduit.  
*de Corvo Spina*. Crowthorn.  
*de Casineti & Chaisneto*. Chedney, Cheney.  
*de Campo Florido*. Chamfleur.  
*Henry de Campo Florido* was Sheriff of Dorsetshire. 19 Hen. 3.  
*de Capella*. Capel.  
*de Calvo monte*. Chaumond.  
*de Camera*. Chambers.  
*de Clarifagio*. Clerfay.  
*de Cornubia*. Cotnewayle.  
*de Castello magno*. Castlemain.

## D.

**W** *Willelmus D'Aynecuria, or Daincuriensis*. Daincourt.  
*Drogo. (Sax.)* Drew.  
*de David villa*. D'aille, D'eyville.  
*de Doito. (Fr. Doet.)* Brooke.  
*Dutchtius*. Doughtry.  
*Dispensator*. Le Despencer, Spencer.  
*De Diva*. Dive, Dives.

## E.

**T** *Mo. de Erolitto, Sherif of Satop* } *Erliche.*  
*6 Johannis*  
*de Ebroicis & de Elrois*. D'evreux.  
*Easterlingus*. Stradling.  
*Extranus*. Le Strange.  
*de Ericeto*. Brierwer.

## F.

**R** *Adolphus de Fonte australi*. Southwel.  
*de Fonte limpido*. Sherburn.  
*de Filiceto*. Fernham.  
*de Folis*. Foulis.  
*Frescoburnus*. Freshburn.  
*de Fludibus*. Flood.  
*de Fontibus*. Welles.  
*de Fossa nova*. Newdike.  
*de Frisca villa*. Fretcheville.  
*Filius Guidonis*. Fitzwith.  
*de Fonte Ebraidi*. Fonteverard.

# T A B L E.

de Fraxino. Frene, Athe.  
Flavus. Blund, Blount.  
de Ferrarii. Ferrers.  
de Fago. Beech and Beechet.  
de Forti scuto. Fortescu.

## G.

**J**ohannes de Grana villa. Grenvile.  
de Grentemaisnillo.  
de Grosso venatore. Grosvenor.  
de Guntheri sylva. Gunter.  
Giovannus. Young.  
de Grosso monte. Grifmond.  
de Geneva. Genevil.  
de Genisteto. Bromfield.  
de Grandi villa. Granvile.

## H.

**H**ofatus & de Hofato. Hosè, Hussey.  
I have seen Johannes Usus Mure in Latin,  
for John Hussey.

## J.

**J**ohannes de Insula. Lisle.  
de Insula bona. Lislebone.  
de Insula fontis. Lilburne.  
Jodocus Joice.

## K.

**W**illelmus de Kaineto } Keynes.  
alias Caimeto.

## L.

**R**icardus de Longa spata. Longspee.  
de Lato campo. Bradfeild.  
de Longo campo. Longchamp.  
de longo prato. Longmede.  
Lupus. Woolf, Love, Loo.  
Lupellus. Lovet, Lovel.  
de Lega. Lee, Lea, and Leigh.  
de Leica & Lecha. Leke.  
de Liforin. Lizurs, Lifors.  
de Login. Lodge.  
Laurentii filius. Lawson.  
de Lato vado. Bradford.

## M.

**R**ogerus de Manmeriis. Manners.  
de Mineriis. Miners.  
de Marisco. Marsh.  
de Malo lacu. Mauley.  
de Mortuo mari. Mortimer.  
de Monte Canisio. Montchensey.  
de Monasteriis. Mufters.  
de Melfa. Mews.  
de Monte Hermerii. Monthirmer.

de Monte fixo. Montficher.  
de Monte pessons, & de Monte pessulano. Mont-  
pesson, vulgo Montpesson.  
de Molendinis. Molines.  
Monachus. Moigne, Munk.  
Malus lupellus. Maulovel, Mallovel.  
de Monte Jovis, de Monte gaudii. Montjoy.  
de Media villa. Middleton.  
de Malo passu. Malpas.  
Malconductus, vel de malo conductu.  
Malduit.

de Montealto. Montalt, or Moald.  
de Malo leone. Malleon.  
de Monte begonis. Montbegon.  
Malus leporatus. Malevorer.  
de Musco campo. Muschamp.  
de Micen. Meschines.  
de Marci vallibus. Martival.  
de Meduana. Maine.  
de Monte forti. Montfort.  
ad Murum. Walton.  
Malus carulus. Malchein, vulgo Machel.  
de Malo visu, Malvisin.  
de Mala terra.  
Medicus. Leech.  
Macer. le Meyre.  
de Malis Manibus. Malmains.  
de Monte.  
de Monte Aquile. Mounteagle.  
de Monte Revelli.  
Magnus Venator. Grosvenor.  
de Montibus.

## N.

**G**ilbertus de Nova villa. Nevil.  
de Novo mercatu. Newmarch.  
de Nodariis. Nowres.  
de Novo burgo. Newburgh.  
de Nova terra. Newland.  
de Novo Foro. Newmarch.

## O.

## P.

**G**imbaldus de pede planco. Pauncefort.  
de Pureaco. Pusac, vulgo Pudsey.  
de Pavilidro & Pauliaco. Paveley.  
de Piſſavia. Peyto.  
de Petra ponte. Pierpont, vul. Perpoint.  
de Peccato. Peche, vul. Pecke.  
de Palude. Puddle, Marsh.  
de Precariis.  
de Porcellis. Purcell.  
de Praeris. Praers.  
de Parva villa. Littleton.  
Parmentarius. Taylor.

de la Gommeray  
Oppayard or  
Oppagarth



# T A B L E.

de Periss.  
de Pulchro Capellio. Fairfax.  
ad Pontem. Paunton.  
de Plant. generat. Plantagenet.  
Pelliparius. Skinner.  
Le Powe. Powers.  
de Perrariis. Potters.  
de Pasco lapidoso. Stanley.

## Q

**L** Errardus de Querceto. Cheney.  
ac Quinciano. Quincy.

## R.

**A** Rnoldus de Rupeforti. Rochfort.  
de Rubra Spatha. Rospear, Rouppre, Rooper,  
Roper.  
de Redverin, & de Riparin. Rivers.  
de Rupe. Roche, Rock.  
Reginaldus. Reynolds.  
de Rubro clivo. Radcliff.  
de Rubra manu. Redmain.  
de Regencia. Ralcigh.  
Rufus. Rous.  
de Rupe scissa. Catcliff.  
Rotarius. Wheeler.  
de Rico Monte. Richmond.

## S.

**G** Alfridus de Sclariis. Scales.  
de Sancto Mauro. Semaun.  
de Sacro fonte. Holybrook.  
de Sicca villa. Sackvile.  
de Salicosa vena. Salvein.  
de Sancto Laudo. Senlo.  
de Spincto. Spine.  
Sagittarius. Archer.  
de Sancta terra. Holyland.  
de Sacra quercu. Holyoake.  
de Sancta Clara. Sencler.  
de Sancto Medardo. Semark.  
de Sancto Amando. Samond.  
de Sancto Lizio. Senliz, Seyton.  
de Sacro fago. Hollebech.  
de Sancta Ermina. Armine.  
de Sancto Wallerico. St. Wallere.  
de Salicosa Mara. Wilmore.  
de Stagno. Poole.  
de Salchavilla. Salkeld.  
de Sancto Vedasto. Foster.

de Stripite sicco. de la Zouche.  
de Sancto Leodegario. St. Leger, vulgo Sel-  
lenger.  
de Sancta Barbara. Senbarb, vulgo Simberd.  
de Sancto Petro. Sampier.  
de Sancto Paulo. Sampol.  
de Sancto Lupo. Sentlow.  
de Sancto Martino. Semarton.  
de Sancto Gelasio. Singlis.  
de Sancto Audacno. St. Owen.  
Super Tysam. Surteys.  
de Salso Marisco. Saltmarsh.  
de Sacro bosco. Holywood.  
de Solariis. Solers.  
de Salceto. Saucy.  
de Sancto Alemondo. Salmon.  
de Saxo ferrato. Ironston, vulgo Ironzon.  
de Sandwico. Sandwich.  
de Salu Capelle. Sacheverel.  
de Sylva. Weld.

## T.

**H** Umfridus de Turpe vado. Fulford.  
de Tankardis villa. Tankerville.  
de Turbida villa. Turberville.  
Teutonicus. Teys.  
de Tulka. Toke, Tuke.  
de Tanais. Taney.  
de parva Turri. Toret, Tirrel.

## V.

**P** Petrus de Vallibus. Vaux.  
de Veteri ponte. Vipont.  
de Valle. Wale.  
de Vicariis. Viccars.  
de Valle torra. Vautost.  
de Villa torra. Croketon.  
de Vado boum. Oxford.  
de Urtico. Lort, Lort.  
de Vino salvo. Vine Salf.  
de Vado saxi. Stanford.  
de Veteri aula. Oldhall, Oldham.  
de Villariis. Villers.  
de Umbrosa quercu. Dimmock.  
de Villa Magna. Mandevile.

## W.

**M** Artinus de Watelega. Wateley, Wheatley.  
Wambarsarius.

# F I N I S.







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